

## **POST-ELECTION ZIMBABWE: WHAT NEXT?**

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## POST-ELECTION ZIMBABWE: WHAT NEXT?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The 31 March 2005 parliamentary elections that confirmed the full control of President Robert Mugabe and his ZANU-PF government were neither free nor fair and disappointed those who hoped they might mark a turn away from the crisis that has dominated Zimbabwe's political life for the past five years. The post-election situation looks deceptively familiar. In fact, Mugabe's era is coming to an end, both the ruling party and the opposition Movement for Democratic Change (MDC) face existential challenges, and the international community needs to urgently rethink strategies and find new ways to maintain pressure for a peaceful democratic transition.

Mugabe and the ZANU-PF party used more sophisticated methods than previously but they manipulated the electoral process through a range of legal and extra-legal means to ensure that the election was basically decided well before the first voters reached the polls. With the addition of the 30 representatives Mugabe has the right to appoint, his party now holds 108 of the 150 parliamentary seats, comfortably above the two-thirds majority required to amend the constitution at will. ZANU-PF is expected to use that power to prepare a safe and honourable retirement for its 81-year-old leader, who has said he does not want to stand for re-election in 2008.

However, ZANU-PF is beset with factionalism, spurred by the desire of powerful figures to position themselves for the succession fight. A taste of the blood-letting was provided by a bitter party congress in December 2004, but the fact that the main factions substantially represent still unreconciled ethnic interests suggests that holding the party together may be difficult.

In the wake of another stolen election, the MDC must decide fundamental questions, including whether to adopt a more confrontational and extra-parliamentary opposition despite the prospect that any street action risks calling down the full repressive power of the security services. Leadership and party program issues are as much under review as tactics, and some old

supporters are asking whether the party can and should survive in its present form.

The "quiet diplomacy" of South Africa, the single state with potentially the greatest influence on Zimbabwe, has failed, at least to the extent it sought to mediate a compromise end to the political stalemate, and the Zimbabwe opposition has indicated it no longer accepts Pretoria as an honest broker. The U.S. and the EU have not hesitated to speak frankly about the quality of the election -- unlike the African states and organisations that have praised it out of apparent reluctance to break solidarity with a one-time revolutionary hero -- but they are no nearer to finding a way to do more than symbolically protest the situation.

The one point on which broad consensus may be possible is that Mugabe needs to go, and quickly, in the interests of his country. That is probably the single most important step, though far from a sufficient one, that can begin to create conditions for a peaceful transition back to democracy and a functioning economy. He cannot be taken at his word that he will leave in 2008, and that is a very long time to wait for a country suffering as much as Zimbabwe is. Regional and other international actors should push for a credible earlier date.

Mugabe's would-be successors within ZANU-PF know their country cannot afford indefinite isolation. In particular, the U.S., the EU and the international financial institutions should make it clear that there will be no end to targeted sanctions, no prospect of substantial aid, and no resumption of normal relations unless there are real changes, not only in the names at the top of government structures but in governance. Indeed, they should signal that in the absence of such changes, ZANU-PF leaders run the risk of stronger measures that may grow out of closer investigation of such policies as their misuse of food aid for political purposes and the general looting of the economy.

ZANU-PF is calling the just concluded election a fresh beginning. It is not. Economic meltdown, food insecurity, political repression and tensions over land and ethnicity are all ongoing facts of life that the election has not

changed for the better in any way. But Zimbabwe's crisis is not frozen. In recent weeks, the government has arrested more than 30,000 small, informal traders in the major cities, allegedly to fight the black market but probably at least as much to head off a growing risk of spontaneous protests against economic privation. The ageing of the old and the conflicting ambitions of the would-be new ZANU-PF chieftains, as well as the growing frustration of what until now has been a remarkably non-violent opposition, ensure that change of some kind is coming soon. Unless Zimbabwe's friends get busy and get together, it is all too possible it will be violent and chaotic.

## RECOMMENDATIONS

### To the Zimbabwe Government and ZANU-PF:

1. Issue an immediate appeal for food aid, and allow the unhindered delivery of humanitarian assistance, including by NGOs, with transparent distribution mechanisms.
2. Set a date for the president's retirement before 2008 and initiate discussions with the international community and the opposition as to the parameters of an orderly transition, including the holding of new and joint presidential and parliamentary elections monitored by the UN.
3. Demonstrate restraint in the exercise of the two-thirds parliamentary majority and the concomitant power to amend the constitution without regard to opposition views and launch a process of legislative revision or repeal designed to dismantle the restrictions on fundamental freedoms contained in such laws as the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA), and the Private Voluntary Organisations Act (PVO).
4. Conduct a comprehensive review of the electoral law in light of the experiences of the recent parliamentary election and specifically initiate a series of confidence building measures, including:
  - (a) elimination of the presidential power to appoint 30 non-elected parliamentarians;
  - (b) wider and fairer use of absentee ballots; and
  - (c) clarification of responsibilities and removal of overlaps with respect to such bodies as the Zimbabwe Electoral Commission and the Election Supervisory Commission.
5. Withdraw the NGO bill from parliamentary consideration in its current form.

### To the MDC:

6. Establish a clear party position on next steps and the best way to exert pressure on the government to speed a political transition, and specifically:
  - (a) revitalise strategic alliances and partnerships with civil society and other stakeholders;
  - (b) hold party elections in order to refresh leadership and renew party structures;
  - (c) concentrate on developing practical alternative programs on crucial issues affecting the daily lives of Zimbabweans including the deteriorating economy, food insecurity and human rights abuses; and
  - (d) rebuild external relations, especially with Southern African governments and the African Union.

### To the South African Government:

7. Acknowledge the insufficiency of its existing policy toward Zimbabwe and conduct a comprehensive review that:
  - (a) takes into account diverse views from the left, right and centre inside South Africa;
  - (b) includes clear estimates of the overall costs of the Zimbabwe situation to South Africa's economy and regional stature and democracy in the region; and
  - (c) is directed at finding a more effective way to resolve Zimbabwe's political crisis and counteract its economic implosion.
8. Give particular consideration in the course of this policy review to the following not mutually exclusive options:
  - (a) working with the Commonwealth, especially its secretariat and office of the chairperson (currently held by Nigeria's President Obasanjo) to support comprehensive democratic reforms and to assess progress on governance and restoration of the rule of law; and
  - (b) encouraging the G8 member countries to use their 6-8 July 2005 summit to send a clear message to Zimbabwe that neither major donors nor international financial organisations will give funds unless there is evident progress in re-instituting a regime based on the rule of law, good governance and respect for human rights.

9. Use the chairmanships of the African Union's Peace and Security Council and the Southern African Development Community (SADC) organ on politics, defense and security to press President Mugabe to set a date for his early retirement, and the Zimbabwe government to undertake credible measures to ease the political crisis and facilitate economic recovery.
16. Expand assistance to the democratic forces in Zimbabwe looking to promote a peaceful and speedy transition, and explore expanding the scope of targeted sanctions against senior individuals in and around the Zimbabwe government and ZANU-PF and the numbers and categories of persons affected.

**Pretoria/Brussels, 7 June 2005**

**To the Southern African Development Community (SADC):**

10. Review its principles and guidelines governing democratic elections so that observation teams are independent, depoliticised and empowered to study all the elements required to ensure a free and fair election, including the absence of control of the media, selective and politically motivated prosecutions and law enforcement, intimidation, corruption, gerrymandering and control of voter rolls.
11. Reach out to democratic forces in the region, including the opposition in Zimbabwe.

**To the Nigerian Government:**

12. Use the chairmanships of the Commonwealth and the African Union to intensify pressure on the Zimbabwe government to embark on democratic reform and economic recovery.

**To the African Union:**

13. Pursue implementation of the January 2005 Report of the Executive Council of the African Commission on Human and People's Rights calling for Zimbabwe to restore an impartial judiciary and security forces, cease arbitrary arrests of political opponents and revise restrictive media and security legislation.

**To the Wider International Community, Especially the United Nations, European Union and the United States:**

14. Seek unrestricted access for humanitarian aid in Zimbabwe and examine in a coordinated fashion whether the continued use of food as a political weapon in that country is sufficiently systematic, widespread, and focused on opposition supporters to warrant referral to the UN Security Council.
15. Press President Mugabe to set a date for his retirement sooner than 2008 and initiate discussions with MDC and ZANU-PF officials about a credible transition process and the contours of a post-Mugabe government.

## POST-ELECTION ZIMBABWE: WHAT NEXT?

### I. INTRODUCTION

On 31 March 2005, Zimbabweans went to the polls to elect 120 members of the sixth parliament. The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) secured 78 seats, the opposition Movement for Democratic Change (MDC) 41, while one went to the independent former Information Minister, Jonathan Moyo. President Robert Mugabe used his discretionary power to appoint another 30 hand-picked members, bringing ZANU-PF's total to 108, more than the two-thirds majority in a body of 150 that allows it to amend the constitution without regard for opposition views. Rather than change Zimbabwe's difficult political and social dynamic, the results indicate the status quo will hold, at least in the short-term.<sup>1</sup>

As with most previous Zimbabwe elections, opinion was sharply split as to whether the exercise was free and fair. Observers from the African Union (AU), the Southern African Development Community (SADC) and South Africa endorsed the elections as reflecting "the will of the people" of Zimbabwe.<sup>2</sup> The opposition MDC and major international players such as the U.S. and UK called them neither free nor fair. A number of Zimbabwean civil society organisations also weighed in with reports highly critical of the elections, including the Crisis Coalition, Zimbabwe Lawyers for Human Rights and the

Zimbabwean Election Support Network. Citing discrepancies in the initial and final vote tallies, the MDC claimed it had actually won 94, rather than 41 races,<sup>3</sup> released a dossier detailing vote count discrepancies in 30 constituencies,<sup>4</sup> and said it would challenge some of the results in the new election court.<sup>5</sup> On 13 April 2005, it put out a report, "Stolen - How the elections were rigged", in support of its claims.<sup>6</sup>

Crisis Group considers that by any objective standard, the election was neither free nor fair. While the means employed to capture the election were more sophisticated and less violent than in the past, the result was the same. To find otherwise, it was necessary to look past ZANU-PF's systematic use of propaganda, violence, electoral manipulation, targeted disenfranchisement and abuse of humanitarian relief.

The immediate post-election period was tense. Some within MDC indicated they had reached the limits of competing on an uneven electoral playing field and would need to adopt a more confrontational stand. There was some talk of mass protests but the situation did not evolve as in Georgia, Ukraine and Kyrgyzstan, where street demonstrations led to reversal of results or revolutionary change.<sup>7</sup> The government threatened to crack down on any public demonstrations. Several hundred young people did take to the streets of Harare on 4 April to protest but the effort was quickly put down,<sup>8</sup> and the MDC denied

<sup>1</sup> For further information on the situation in Zimbabwe, see Crisis Group Africa Reports N°86, *Zimbabwe: Another Election Chance*, 30 November 2005; N°85, *Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa*, 17 September 2004; N°78, *Zimbabwe: In Search of a New Strategy*, 19 April 2004; N°60, *Zimbabwe: Danger and Opportunity*, 10 March 2003; Crisis Group Africa Briefing N°15, *Decision Time in Zimbabwe*, 8 July 2003.

<sup>2</sup> Statement by the leader of the South African Observer Mission, Minister of Labour Membathisi Mdladlana, 2 April 2005, available at <http://www.info.gov.za/speeches/2005/05040414451001.htm>. The election was also called "technically competent" and "well managed". Crisis Group interview with Senior SADC observer, Harare, 1 April 2005; Crisis Group telephone interview with a member of the African Union observer team, 3 April 2005; See also "Zimbabwe Opposition Demands New Election", Associated Press, 4 April 2005.

<sup>3</sup> Speaking to the MDC leadership as the vote counting commenced, Crisis Group found the party anticipated victory. The party discouraged spontaneous post-election protests by supporters, saying it would be necessary for it to be seen to be "responsible". Crisis Group, interview with senior MDC leaders, 31 March 2005.

<sup>4</sup> "MDC say Mugabe rigged the count", NewZimbabwe.com, 6 April 2005.

<sup>5</sup> "Zimbabwe opposition to challenge poll", *The Independent* (UK), 10 April 2005.

<sup>6</sup> "MDC contests 13 seats", *The Herald*, 14 April 2005.

<sup>7</sup> Both MDC leader Morgan Tsvangirai and Catholic Archbishop Pius Ncube of Bulawayo called for peaceful protests. "Govt will not tolerate post-election demonstrations" IRIN, 30 March 2005.

<sup>8</sup> "Harare demo against poll results", *Daily News*, 4 April 2005; "Zimbabwe police crush anti-Mugabe protests", NewZimbabwe.com, 5 April 2005.

responsibility.<sup>9</sup> Arrests of opposition supporters have increased in the post-election period, and the government has also simultaneously renewed a crackdown on non-governmental organisations (NGOs). A Zimbabwean political analyst observed:

The occasional hand of peace is usually extended in the aftermath of national elections, dating back to 1980. But what we see immediately is a very predictable ZANU-PF behavior. At this stage, almost 100 MDC activists, supporters and "losing" candidates [and] leaders have been arrested since 31 March. Some of them, such as Nelson Chamisa have been either severely roughed up or have alleged torture. MDC meetings in constituencies are either being disrupted or not permitted by a partisan ZRP [Zimbabwe Republic Police] with the support and direction of ZANU-PF.<sup>10</sup>

The effort to replace Mugabe and his regime through competition in an electoral environment where they set all the rules has failed. The 81-year old president cannot rule forever, however, and brutal infighting has already broken out inside ZANU-PF among would-be successors. The international community and Zimbabwe's opposition face difficult policy decisions about how to relate to and influence this phenomenon and shape the post-Mugabe future.

## II. THE PARLIAMENTARY ELECTIONS

President Mugabe and ZANU-PF appear to have approached the elections with twin goals: first, to ensure they could control the results; and secondly, to do so in a way sophisticated enough that some international observers could call the exercise "clean". They did not resort to violence as often in the past and even tolerated a number of opposition campaign rallies and speeches but the threat of physical harm -- what has become the subtext of daily life in Zimbabwe -- was never far below the surface. Much of the window dressing of a fair contest was permitted but the regime still engaged in systematic abuses.

On 30 March 2005, the Zimbabwe Electoral Commission (ZEC) announced that it had installed 50,000 translucent ballot boxes in the 120 constituencies and distributed ballot papers to 8,256 polling stations across the country. Voting started at seven the following morning and closed at seven in the evening. Counting took place at polling stations; results were sent to the constituency command centres and subsequently relayed to the National Command Centre in Harare before being released to the media.<sup>11</sup>

In general, the voting process was better organised, faster, and with shorter queues than in the 2000 and 2002 elections.<sup>12</sup> The government improved the organisation by introducing alphabetical queues for voters and a significant increase in the number of polling stations, particularly in rural areas where ZANU-PF is strongest.<sup>13</sup> The atmosphere was mostly calm throughout the campaign, and voting proceeded smoothly. International observers and even the opposition were surprised by how peaceful and non-violent the entire election proceeded given the experience of earlier polls. A total of 2,804,050 Zimbabweans voted. Turnout was fairly high in urban areas, but lower in the countryside, due to apathy and fear of reprisals. Overall it was a not unexpected low 42 per cent, compared to 48 per cent in 2000.

Nearly five years of intense propaganda and violence had instilled sufficient fear in the populace and weakened the opposition to the point that Mugabe and ZANU-PF were confident of a victory without resorting to overt political

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<sup>9</sup> "Zimbabwe youth leader arrested over riot -- radio", Reuters, 7 April 2005.

<sup>10</sup> Crisis Group correspondence, 13 April 2005; also, "Murder as retribution campaign gains momentum", ZimOnline, 2 May 2005, a news report alleging the killing of an MDC member by ZANU-PF militants as part of a retribution campaign, especially in Matabeleland South, Mashonaland West and Manicaland provinces.

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<sup>11</sup> "Poll preps almost complete -- ZEC", *The Herald*, 30 March 2005.

<sup>12</sup> Crisis Group observation, 31 March 2005; "Harare voters applaud new system", *The Herald*, 1 April 2005.

<sup>13</sup> Voters were divided into three lines by surnames: A-L; M; and N-Z.

violence.<sup>14</sup> But even as the government was demonstrating efficiency, there were serious irregularities. The flawed nature of the election can only be appreciated through analysis of the manipulation of the entire electoral process for months before polling day. The government, by preparing a voters roll with high numbers of apparently dead and fictitious names, turning away many legitimate voters and gerrymandering districts, could well afford a veneer of openness on 31 March.

## A. THE ELECTION ACT AND THE ELECTORAL COMMISSION

Eyeing the March 2005 elections as an opportunity to rehabilitate his international image and avert U.S. and European pressure for his removal from office, Mugabe announced at the opening of parliament on 20 July 2004 that the government would introduce a bill for substantial reform of the electoral system. A month later, Zimbabwe endorsed the principles and guidelines for democratic elections in the Southern African region adopted by SADC.<sup>15</sup> On 17 January 2005, Mugabe signed into law the Zimbabwe Election Bill and the Zimbabwe Electoral Commission Act, which ZANU-PF officials said fulfilled the conditions of the SADC guidelines.<sup>16</sup> Yet, it was clear that the reforms did not level the electoral playing field -- the opposition continued to be denied fundamental freedoms of expression, assembly, association and media access<sup>17</sup> -- and that ZANU-PF was not prepared to introduce changes substantial enough to dismantle its system of repression.<sup>18</sup>

The first of those acts introduced a number of polling day changes, including voting on a single day, counting of ballots at polling centres, and translucent ballot boxes, and it abolished the mobile stations that had facilitated the rigging of earlier elections. It also created an election court to hear petitions in an expedited fashion but provided no assurances that this tribunal would have more independence than others enjoy in today's Zimbabwe.<sup>19</sup>

The second act created the Zimbabwe Electoral Commission (ZEC), charged with conducting presidential, parliamentary and local elections, as well as referenda. Its responsibilities included directing and controlling voter registration; compilation and proper custody of voter rolls and registers; printing and distributing ballot papers and procuring ballot boxes. The ZEC was further mandated to operate polling centres, conduct voter education and accredit election observers. However, its ability to supervise and administer these many functions was undermined by a labyrinth of overlapping and conflicting authorities that suggested it would be neither strong nor independent.<sup>20</sup> Its responsibilities conflicted with those of the pre-existing Election Supervisory Commission (ESC) and the office of the Registrar-General -- which are constitutionally mandated to supervise and control voter registration.

In February 2005, Commissioner Joyce Kazembe of the ESC maintained, "The Election Supervisory Commission is the overall authority [for] supervision of elections by virtue of constitutional provisions. We have the final say on whether they [elections] had been run properly".<sup>21</sup> While ZANU-PF downplayed the role of the ESC in an effort to blunt criticism, the elections architecture was essentially unworkable.

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<sup>14</sup> This is an opinion shared by a cross-section of analysts. See Annie Chikwanha, Tulani Sithole, and Michael Bratton, "The Power of Propaganda: Public Opinion in Zimbabwe, 2004", Afro-Barometer, working paper, No. 42, 2004.

<sup>15</sup> These include total citizen participation in the political process; freedom of association; political tolerance; constitutionally guaranteed regular election intervals; equal opportunity and access by all political parties to media; equal opportunity to vote and to be voted for; judicial independence; impartiality of electoral institutions; voter education; and acceptance and respect by all political parties of election results proclaimed by the competent lawful authority to be free and fair. See Southern Africa Development Community, "SADC Principles and Guidelines Governing Democratic Elections", Mauritius, August 2004.

<sup>16</sup> The ZEC Act and the Election Act were passed by parliament on 10 December 2004. "Mugabe approves election laws", Reuters, 17 January 2005. Also, Crisis Group interview with ZANU-PF leaders, Harare, 3 February 2005.

<sup>17</sup> Zimbabwe: "Electoral bill fails to meet benchmarks", Human Rights Watch press statement, 24 November 2004.

<sup>18</sup> Reginald Matchaba-Hove, "Comment on proposed election reforms", *Ballot News*, no. 2, 2004.

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<sup>19</sup> The case of jailed MDC parliamentarian Roy Bennett provided an interesting test case of the election court's independence. On 15 March 2005 it ruled that Bennett could stand for re-election from prison and postponed the vote in his Chimanimani constituency until 30 April to make that possible. "Zimbabwe court rules jailed MP can contest poll", Reuters, 15 March 2005. On 22 March, the Zimbabwe Electoral Commission Chairman, Justice George Chiweshe, filed an urgent application with the electoral court and supreme court challenging the ruling on the grounds that the postponement would inconvenience the other candidates and disrupt preparations for the elections." ZEC appeals against poll delay", *The Zimbabwe Independent*, 24 March 2005. His action came after Mugabe threatened to appeal the decision, although appeals are not permitted under Section 64 of the Electoral Act. The Electoral Court reversed its ruling and suspended its order allowing Bennett to stand. Bennett's wife, Heather, ran as the MDC candidate in his stead, but lost.

<sup>20</sup> See Constitution of Zimbabwe, Section 61.

<sup>21</sup> *Daily Mirror*, 23 February 2005.



President Mugabe appointed Justice George Chiweshe, a high court judge, as chairperson of the electoral commission after procedural consultation with the judicial service commission, a body largely dominated by ZANU-PF sympathisers.<sup>22</sup> The MDC characterised the president's subsequent appointments of the other four commissioners from a list of seven names nominated by a bipartisan parliamentary committee as impartial, though civil society organisations complained they were excluded from the process.<sup>23</sup>

The Electoral Commission Act required the chairpersons of the respective bodies in charge of the public service and uniformed services -- the prison, the military and the police -- to second staff to serve under the Commission as constituency elections officers and polling officers.<sup>24</sup> This involvement of state security forces in the electoral process indicated that it would be almost impossible for the Commission to operate impartially. The MDC filed an unsuccessful application at the High Court to have all structures set up by the ZEC declared "null and void" on the grounds that Mugabe had militarised them and appointed his supporters to the Commission.<sup>25</sup>

## B. GHOST VOTERS

The voter registration process and the voters roll were important parts of the ZANU-PF strategy to control the election results. Registration was conducted in non-transparent fashion from May to July 2004 by the registrar-general, under supervision of the old ESC.<sup>26</sup> Proof of residency requirements introduced before the 2002 elections were systematically used to disenfranchise urban populations known to be core sources of MDC

support.<sup>27</sup> Thousands of would-be new voters, especially the unemployed in poor urban neighbourhoods, were unable to produce the required title deeds, water or electricity bills and lodgers' cards or letters from employers.<sup>28</sup>

The final voters roll was found to be grossly inaccurate, littered with ghost voters. While a 2003 University of Zimbabwe report on the age distribution of the country's population indicated about 4.6 million people were of voting age in 2004, over 5.7 million names were on the voters roll. Combined with the fact that many potential voters were denied registration, this suggests that between 1 and 2 million of those on the roll may have been deceased or fully fictitious. A sample audit by the MDC shadow justice minister and member of parliament for Bulawayo South, David Coltart, found duplicate names, dead people and very few individuals who had turned eighteen since 2000.<sup>29</sup>

Citizens living outside their constituencies were mostly not permitted to vote. An estimated 3.4 million Zimbabweans live away from their homes, many where they seek work either elsewhere inside the country or abroad because of the economic crisis, a lesser number where they have sought foreign refuge from political oppression. However, the Election Act restricted absentee ballots to the relative handful of persons outside their constituencies on government business.<sup>30</sup> In relation to those outside the country, a number of citizens, calling themselves the Diaspora Vote Action Group, filed a constitutional application to the supreme court on 1 February 2005 seeking to invalidate their exclusion.<sup>31</sup> The

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<sup>22</sup> Judge George Chiweshe, a former army colonel, headed the Delimitation Commission that redrew the voting constituencies. He was accused of transferring three constituencies from opposition strongholds to regions where ZANU-PF enjoys more support. See, "New poll body appointed", *The Herald*, 21 January 2005.

<sup>23</sup> Crisis Group interview with senior MDC officials, Harare, 2 February 2005, and Crisis Group interviews with officials of the Zimbabwe Election Support Network (ZESN) and National Constitutional Assembly, Harare, February 2005.

<sup>24</sup> See Section 17, Electoral Act 2005, which empowers the ZEC to obtain employees from the service Commission and to direct and control them.

<sup>25</sup> "MDC wants electoral law overhauled", *ZimOnline*, 17 March 2005. The Commission became operational relatively late in the campaign, on 1 February 2005. In mid-February it was still working in temporary offices in Harare without office phones and only two staff members. Crisis Group interview with Dr. Reginald Matchaba-Hove, Chairman, Zimbabwe Election Support Network (ZESN), 3 and 14 February 2005.

<sup>26</sup> Crisis Group interview with Dr. Reginald Matchaba-Hove, Harare, 2 February 2005.

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<sup>27</sup> Crisis Group interviews with Prof. Welshman Ncube, MDC Secretary General, Harare, August 2004 and 2 February 2005. In contrast, confirmation by the village head or farm owner of residence status was the only requirement for registration of new voters in rural areas -- where ZANU-PF has most support.

<sup>28</sup> Crisis Group interview with Michael Mataure, former parliamentarian, Harare, 31 January 2005 and 30 March, 2005; See also "Bureaucracy could see thousands of voters disenfranchised", *ZimOnline*, 20 January 2005; "Govt. move set to curtail voting rights", *Zimbabwe Independent*, 21 January, 2005.

<sup>29</sup> Crisis Group interview with David Coltart, member of parliament for Bulawayo South and MDC shadow justice minister, 4 February 2005. The seven MDC activists whom Coltart hired to undertake a door-to-door audit of the voters roll were arrested by police on the ground that they needed permission but they were later released without charge. The high court in Bulawayo granted permission to MDC to continue with the exercise. Mr Coltart made available to Crisis Group his "Report on arrest of MDC activists in Bulawayo South constituency", 14 February 2005.

<sup>30</sup> "Stepping up efforts to handle illegal immigrants", *IRIN*, 26 January 2005.

<sup>31</sup> "Zimbabweans abroad seek leave to vote in March polls", *The Herald*, 1 February 2005.

court dismissed the case on 17 March, ruling unanimously that Zimbabweans living outside the country could not vote in presidential or general elections.<sup>32</sup>

The voters roll was closed by the end of January 2005, even before the new Electoral Commission was operational. Efforts to extend the registration period or review the roll were rebuffed. The Electoral Commission also failed to provide electronic copies of the roll upon request.<sup>33</sup> On election day itself and by the government's own estimates, at least 130,000 registered voters were turned away from the polls for a variety of reasons; the Zimbabwe Election Support Network (ZESN) claimed the figure was much higher, up to 25 per cent.<sup>34</sup> That the highest proportions were turned away in the opposition strongholds of Midlands and Harare strongly suggests a political motivation. Similarly suspicious was the government announcement that voter turnout in certain areas was far higher than was initially declared -- a surge that resulted in ZANU-PF victories in closely contested constituencies.

The government was not shy about gerrymandering. The roll containing 5,780,912 registered voters was presented to Judge George Chiweshe, then chair of the Delimitation Commission, on 20 September 2004, as the basis for setting constituency boundaries before stakeholders had a chance to review it and the Electoral Commission could finalise it.<sup>35</sup> The MDC objected that the roll was being manipulated to reduce urban and increase rural seats.<sup>36</sup> The Delimitation Report, presented on 20 December 2004, dropped three MDC constituencies in Matebeleland,

Harare and Manicaland and created three new ones in the ZANU-PF strongholds of Mashonaland East and West.<sup>37</sup>

### C. THE UNEVEN PLAYING FIELD

ZANU-PF also used a number of other tools to shape a result to its satisfaction. Above all, it was able to reduce violence in the month before election day because it had ridden roughshod over rights for so long and in so many ways that many citizens were intimidated, but it also maintained control of the media, threatened violence implicitly and continued to utilise an extensive web of draconian laws and regulations as it saw fit. These included the Public Order and Security Act (POSA), the Miscellaneous Offences Act (MOA), and the Criminal Procedure and Evidence Amendment Act (CPEAA), which abridge basic freedoms of association, movement and assembly.<sup>38</sup> The POSA, for example, grants the government power to proscribe public statements deemed "likely to undermine public confidence" in the government or foment "feelings of hostility" towards the president. It has regularly been interpreted by the government to give police the right to deny permission for public meetings. When the police allowed such gatherings during the campaign, they attended and took notes, producing a chilling effect.

In November 2004, the government-dominated parliament passed a law aimed at "monitoring and regulation of all non-governmental operations", which had previously been judged unconstitutional by the parliamentary legal committee.<sup>39</sup> The bill required all NGOs to apply for registration before a council of the ministry of social welfare and in effect criminalised activities of human rights and governance NGOs.<sup>40</sup> By January, many NGOs had closed because of lack of funding and fear of repression, while foreign NGO workers were denied entry permits.<sup>41</sup> President Mugabe

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<sup>32</sup> SADC's electoral principles are not explicit about absentee ballots, although they stress the right of all citizens to vote. Some SADC member states like Mozambique and South Africa have ensured that nationals living abroad can vote but others have not. "Diasporans can't vote", *The Herald*, 18 March 2005.

<sup>33</sup> Crisis Group interviews, Bulawayo, February-March 2005. Crisis Group received unconfirmed information that ZANU-PF supporters continued to register long after the formal deadline. Local media also carried reports that the ruling party was encouraging supporters in Harare, Seke, and Lupane in Matebeleland North to register two weeks after the deadline. See *Zimbabwe Standard*, 20 February 2005.

<sup>34</sup> "Thousands turned away", *Zimbabwe Independent*, 1 April 2005.

<sup>35</sup> "Delimitation Commission to complete work in two months", *Daily Mirror*, 21 September 2004, and Crisis Group interview with Dr. Reginald Matchaba-Hove, Chairman, ZESN, 2 February 2005. ZESN was quoted in the local press saying, "as far as we are concerned, a voter registration exercise is still to be done properly, and it is strange if the roll is completed already", "Delimitation Commission to complete work in two months", *Daily Mirror*, 21 September 2004; "ZESN calls for delay of parliamentary poll", *Zimbabwe Independent*, 29 October 2004.

<sup>36</sup> Crisis Group interviews with senior MDC leaders, Harare August 2004; 31 January 2005.

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<sup>37</sup> The seats lost in this gerrymandering process include Gwanda (Matebeleland), Glenview (Harare) and Mutasa (Manicaland).

<sup>38</sup> See "Open Letter to Mr Robert Mugabe, President of the Republic of Zimbabwe", World Organisation Against Torture, 13 August 2004. Under AIPPA, three private newspapers have been closed down.

<sup>39</sup> Njabulo Ncube, "NGO bill declared unconstitutional", *Financial Gazette* (Harare), 18 November 2004; "Amnesty warns on Zimbabwe NGO Bill", South African Broadcasting Corporation (SABC), 19 November 2004.

<sup>40</sup> Arnold Tsunga and Tafadzwa Mugabe, "Zim NGO Bill: Dangerous for Human Rights Defenders", *Zimbabwe Lawyers for Human Rights*, 28 July 2004.

<sup>41</sup> Crisis Group interviews with senior diplomats and officials of funding agencies in Zimbabwe, Harare, February 2005.

ultimately declined to sign the controversial NGO bill and referred it back to parliament, largely due to the international outcry surrounding the legislation. In mid-March, however, the government acted under the Private Voluntary Organisations (PVO) Act to appoint an eight-member committee to investigate thirteen NGOs that failed to meet an 11 March 2005 deadline to account for \$88 million in UNDP funding. Under the PVO, the government can suspend or investigate the operations of an NGO or prosecute the offending organisation or its directors for abusing public funds.<sup>42</sup> Since the March 2005 elections, the government has appointed an inter-ministerial task force, including members of the Central Intelligence Organisation (CIO) to audit a number of NGOs.<sup>43</sup>

Political violence was indeed much reduced. A leader of a women's group observed in January 2005, "By this time [in the 2000 and 2002 elections] houses were being burned and people forced to flee their homes for security reasons".<sup>44</sup> Both ZANU-PF and the MDC called for a "violence free" election, and in mid-February MDC Secretary General Welshman Ncube declared, "for all practical purposes they [ZANU-PF] have dissolved their youth militias".<sup>45</sup> But the decision to pull back the war veterans and youth militias was tactical and not absolute.<sup>46</sup> Incidents of violence still occurred in many parts of the country, especially in areas of Harare, Manicaland and Mashonaland West provinces. On 10 February, the local press reported that the government had deployed 2,000 of its youth militias in Kamativi. The following day, over 100 MDC supporters were attacked after leaving a rally

in Nyanga, Manicaland province.<sup>47</sup> There were reports of youth militias stalking neighbourhoods, creating fear and preventing people from attending opposition rallies, as well as of suspected ZANU-PF activists in the eastern border town of Mutare beating villagers who could not produce a ZANU-PF membership card.<sup>48</sup>

Nevertheless, MDC officials acknowledged they were able to campaign in places that were previously no-go areas, and Welshman Ncube maintained, "With the reduction of violence, the reception we are getting in our meetings is huge".<sup>49</sup> Threats of land seizures, banishment from villages, denial of food aid and loss of jobs by civil servants, however, remained common.<sup>50</sup>

Throughout the campaign, the government largely maintained its grip on state-controlled print and electronic media and continued to provide propaganda and slanted coverage calibrated to undermine the opposition.<sup>51</sup> ZANU-PF's official campaign launch received more than four hours on state-run media, compared with two minutes and 35 seconds for the MDC on the main news bulletin. Zimbabwe Broadcasting Holding (ZBH), the only television station in the country, devoted 82 per cent of its election coverage to ZANU-PF, 18 per cent to the MDC.<sup>52</sup> With the exception of coverage from Voice of America and the BBC available to those with shortwave radios, there was no electronic alternative to the state-controlled media.<sup>53</sup>

On 7 January 2005, the government passed an amendment to the Access to Information and Protection of Privacy Act (AIPPA), introducing penalties for unlicensed journalists. Four journalists working for international news organisations fled the country after police raids on their offices, allegations of espionage and the threat of arrest by the Central Intelligence Organisation.<sup>54</sup> Two days later, the Bulawayo-based *Weekly Times* ceased

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<sup>42</sup> "State sets up committee to probe NGOs", *The Herald*, 16 March 2005. All figures denoted in dollars (\$) in this report are U.S. dollars unless otherwise noted.

<sup>43</sup> "State agents raid NGOs," *ZimOnline*, 26 April 2005.

<sup>44</sup> Crisis Group interview with a Zimbabwean women's leader, Harare, January 30 2005.

<sup>45</sup> "So many questions with Welshman Ncube", *Sunday Times*, 20 March 2005.

<sup>46</sup> There is some evidence that the decision to pull back the war veterans and youth militias may have been taken in part because they were considered no longer to be fully reliable. On 28 February 2005, veterans in the Zimbabwe Liberators' Platform announced they were disillusioned with Mugabe and the country's socio-economic crisis and would not allow themselves to be manipulated as in previous elections. "Zimbabwe's old soldiers turn against Mugabe", *Business Day (SA)*, 1 March 2005. The absorption of ZANU-PF youth militias into productive enterprises by international humanitarian bodies like the International Committee of the Red Cross (ICRC), which recruited and trained 4,400 graduates of Zimbabwe's National Youth Service for international humanitarian operations, may also have played a part. Vimbiso Mafuba, "Red Cross embraces National Youth Service", *The Herald*, 24 February 2005.

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<sup>47</sup> "Violence hots up", *The Zimbabwe Independent*, 11 February 2005.

<sup>48</sup> "Terror in Mutare as ZANU-PF thugs demand cards", *Zimbabwe Standard*, 27 February 2005.

<sup>49</sup> "So many questions with Welshman Ncube", *op. cit.*

<sup>50</sup> Crisis Group interview with MDC officials, Harare, February and March, 2005.

<sup>51</sup> "State to gazette media rules for political parties", *The Herald*, 11 February 2005.

<sup>52</sup> This was a slight improvement from the 97 per cent versus 3 per cent split in coverage during the 2002 campaign. See Media Monitoring Project of Zimbabwe, "Special Report on quality of access to national public broadcasting stations between ZANU-PF and MDC: February 26-March 17, 2005".

<sup>53</sup> Voice of America carried one hour a day. The BBC was not allowed to work in Zimbabwe but broadcast its coverage from South Africa.

<sup>54</sup> "Journalists flee Zimbabwe", *News24*, 23 February 2005.

publishing after the government revoked its licence for a year.<sup>55</sup> The government also revived cases against more than 45 journalists of the closed-down *Daily News*, whom it accused, under AIPPA, of having worked for the paper without registration.<sup>56</sup> The U.S. State Department condemned the government's attempt to intimidate and silence critical media before the elections.<sup>57</sup>

While the government did accredit more than 200 foreign journalists to cover the elections, including CNN, Sky News, ITN, *The Times* (London), *Le Monde*, Xinhua News and Al-Jazeera, it denied entry to the BBC and several other British and Australian applicants on the grounds that they had been stridently critical.<sup>58</sup> It also jammed radio broadcasts into Zimbabwe by SW Radio Africa, an independent station operating from London, thus closing one of the last sources of independent information.<sup>59</sup> On 15 March 2005, the supreme court overturned the Media and Information Commission's revocation of the publishing license of the *Daily News*, which was shut down in 2003. That decision, two weeks before the elections and as observers began to arrive, appeared to be an attempt to stave off criticism that the government had not complied with SADC guidelines.<sup>60</sup>

#### D. THE POLITICS OF HUNGER

Despite an economic crisis that also included the demise of seven banks, devastating inflation, fuel shortages and over 70 per cent unemployment, the government adopted populist measures during the election campaign, such as banning school fee increases and limiting the power of local authorities to increase tax rates.<sup>61</sup> On 25 February 2005 it authorised monthly \$200 pensions to each former political prisoner, detainee or restrictee.<sup>62</sup> These measures further contributed to the crumbling state of social services.

The food crisis, however, was the economic and humanitarian issue that dominated the run-up to the election. Though the situation is better than in 2003,

when over 7 million needed assistance, Zimbabwe continues to face an emergency. The Zimbabwe Vulnerability Assessment Committee estimated that about 3.3 million people would not be able to get all the food they needed in the first quarter of 2005. The depressed economy and high commodity prices leave many highly vulnerable.<sup>63</sup>

Throughout 2004 the government insisted there was no food shortage. In early May 2004, Zimbabwe expelled a UN food assessment team, and Agriculture Minister Joseph Made issued fully unrealistic crop estimates. Crediting the "success" of land redistribution, he claimed maize production would double to more than 2.5 million tons, several times what was produced in 2002 or 2003. President Mugabe insisted Zimbabwe would not accept international aid: "Why foist this food upon us? We don't want to be choked. We have enough".<sup>64</sup>

Mugabe himself acknowledged the food shortage in a campaign speech on 17 March 2005, promising that the government would not let anyone starve.<sup>65</sup> He was brought to this admission by an acute shortage of maize.<sup>66</sup> Food insecurity hit especially the opposition strongholds of Masvingo, Midlands and Bulawayo provinces. There has

<sup>55</sup> "Onslaught on the media", *Business Day (SA)*, 2 March 2005.

<sup>56</sup> "45 Daily News journalists to face trial", *ZimOnline*, 4 March 2005.

<sup>57</sup> "U.S. anger over Zimbabwe reporters", *BBC News*, 23 February 2005.

<sup>58</sup> "Zim govt accredits 212 foreign journalists to cover parliamentary poll", *The Post*, 29 March 2005.

<sup>59</sup> Crisis Group interview with a senior journalist, Harare, April 2005. "Mugabe jams the airwaves", *The Mercury*, 14 March 2005.

<sup>60</sup> "Zimbabwe court scraps ban on newspaper", *Business Day (SA)*, 14 March 2005.

<sup>61</sup> See Crisis Group Report, *Another Election Chance*, op. cit.

<sup>62</sup> "Payout binge", *Financial Gazette*, 3 March 2005.

<sup>63</sup> <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6ABQFM?OpenDocument>. Annual inflation in the cost of basic foodstuffs is estimated by the Central Statistical Office (CSO) at 143.1 per cent. In grain deficit areas, cereals are not readily available in markets. "UN food agency puts Zimbabwe on high priority", *The Zimbabwe Independent*, 28 January 2005. The roots of the economic freefall and the collapse of the agricultural sector are in the fast track land reform program and forcible occupation by government-sponsored war veterans and militias of commercial farms belonging to hundreds of white farmers since 2000. See Crisis Group Report, *Blood and Soil*, op. cit.

<sup>64</sup> Sky News interview with President Mugabe, 24 May 2004. Available at <http://www.sky.com/skynews/article/0,,15410-1136554,00.html>.

<sup>65</sup> "No one will starve -- President", *The Herald*, 18 March 2005. The government had insisted in 2004 that the country had enough food to last to the next harvest. "Zimbabwe Food Security Update, December 2004", *Famine Early Warning System Network Report*, 5 January 2005. To fulfil the president's promise, the government announced on 7 April that it would divert \$833 million, 18.2 per cent of the total capital expenditure budget, to buy emergency food and avert mass starvation. The funds had been earmarked for infrastructure development, itself a necessary component of food security since difficulties in transporting grain cause some of the shortages. "Zimbabwe to divert Z\$5 trillion to buy emergency food", *ZimOnline*, 8 April 2005.

<sup>66</sup> "Food shortages to peak in next two months", *ZimOnline*, 28 January 2005; "Maize meal runs out", *Zimbabwe Standard*, 10 January 2005. In February 2005, the government's Grain Marketing Board (GMB) had slightly over 300,000 tons in its silos, scarcely enough to feed the country for a month.

been a long pattern of the government funnelling relief to its supporters while denying aid to MDC supporters, and two weeks before the elections, evidence emerged that ZANU-PF candidates had taken over stocks from the Grain Marketing Board (GMB) in Manicaland and Masvingo. According to an MDC spokesman in Manicaland, "ZANU-PF youths have been deployed at all GMB depots to vet people coming to buy maize. A ZANU-PF card has been declared the first requirement to be considered for purchasing maize".<sup>67</sup> An elderly villager in Guruve commented, "Most people are not voting for ZANU-PF, but they are voting for food...I choose to die rather than be arm-twisted to go back to ZANU-PF".<sup>68</sup>

On 10 March ZANU-PF candidate Sihle Thebe told residents in Makokoba constituency, in the presence of Second Vice President Joyce Mujuru, that they would be denied food if they voted for the opposition:

The ruling party is in charge and you should be warned that you will not receive any grain from the GMB if you vote for the MDC. They are a puppet party that has no people of Zimbabwe at heart, and surely they don't deserve your vote.<sup>69</sup>

This was not the first time the government made such threats. In 2002, Didymus Mutasa, currently the minister for state security and ZANU-PF party secretary for administration, argued that mass starvation of political opponents might be an option for the government, "We would be better off with only 6 million people, with our own people...we don't want all these extra people". At the height of electioneering in late March 2005, minister of public service, Labour and social welfare Mangwana claimed a British television report of the government starving opposition supporters in Matabeleland was fiction. But his counter claim that the government distributed 74,100 tons of maize there between November 2004 and 18 March, exceeding the 45,720 tons that was actually needed, was an electoral gimmick.<sup>70</sup>

Government restrictions continue to give the ruling party ample opportunity to manipulate food for political gain. They also weaken civic organisations, leaving tasks like food distribution to partisan chiefs in rural areas. In the aftermath of the election, the national security ministry has taken over food importation and

distribution, a move that will further complicate the food security situation. Mugabe also appointed a national task force on food security to deal with the food crisis. It is headed by the Central Intelligence Organisation (CIO) chief and State Security Minister in the President's Office, Didymus Mutasa.<sup>71</sup> This will likely mean stricter control of humanitarian organisations and their role in food relief.

In the wake of the election, Zimbabwe announced on 11 April 2005 that it would compensate white commercial farmers whose land it seized during the fast track land program. It also announced that it had set compensation for 822 farms compulsorily acquired under the land reform program.<sup>72</sup> However, scepticism is appropriate given the string of broken promises with regard to land. At the least, the government is unlikely to pay the \$620 million -- more than the national budget -- that the farmers put as the value of their assets.<sup>73</sup>

## E. SELECTIVE OBSERVATION

Eligibility to observe the election was limited to selected friendly organisations and governments. The process of accrediting local and foreign observers was far more partisan and politicised than for the 2002 presidential elections. The conditions were established by the Electoral Act, which empowered the old Election Supervisory Commission to create a committee, including a chair, vice chair and four other government nominees.<sup>74</sup> Foreign observers were required to receive an invitation from either the minister for foreign affairs or the Commission. Zimbabwean observers were required to be invited by the justice minister. The Act prescribed categories of fees for observers to enter a polling station: \$17 for each individual representative of a local organisation; \$200 for each observer from an African country; and \$300 for all others. These fees were quite high, especially for Zimbabwean NGOs.

More than 1,000 Zimbabweans were barred at the last minute from observing the election after being accused of MDC sympathies.<sup>75</sup> Roughly 25,000 polling monitors

<sup>67</sup> "Food-for-votes furore in Zimbabwe", *Mail and Guardian*, 18 March 2005.

<sup>68</sup> Craig Timberg, "In Zimbabwe, withholding of food magnifies the hunger for change", *The Washington Post*, 30 March 2005.

<sup>69</sup> "ZANU-PF candidate threatens voters with starvation", *ZimOnline*, 11 March 2005.

<sup>70</sup> "State distributes 74,100 t of maize in Matabeleland", *The Herald*, 29 March 2005.

<sup>71</sup> "Security ministry takes over food distribution", *ZimOnline*, 15 April 2005.

<sup>72</sup> "822 ex-farmers set to get compensation", *The Herald* 11 April 2005.

<sup>73</sup> Dumisani Muleya, "Zimbabwe to pay out for farmland grabs", *Business Day (SA)*, 12 April 2005. The government's announcement reiterated that farmers would be compensated for improvements they had made to the land, not for the land itself.

<sup>74</sup> See Zimbabwe Election Act 2005, Section 14 (5).

<sup>75</sup> 800 of these local monitors, barred on 28 March 2005 from working in Mashonaland East province by governor David

were on duty on 31 March, mostly drawn from the civil service.<sup>76</sup> In general, these carefully vetted local and foreign observers were able to take up their position around the country. The Zimbabwe Election Support Network had observers at 87 per cent of the polling stations, with particular attention to rural areas.<sup>77</sup>

Observers were invited from 45 regional and international organisations, including the SADC, the AU, the Common Market for Eastern and Southern Africa, the Non-Aligned Movement, the UN and the Caribbean Community. Also included were seven liberation movements, mostly from Southern Africa, and 32 countries -- 23 African, five Asian, three from the Americas, and Russia.<sup>78</sup> No official observers from the EU, U.S. or the Commonwealth were invited. "Unfriendly" organisations were excluded, such as the Zimbabwe Congress of Trade Unions (ZCTU) because of its strong ties with the Congress of South African Trade Unions (COSATU), which has been critical of the Zimbabwe government.<sup>79</sup> COSATU, the SADC Parliamentary Forum -- the only African organisation to issue a critical report in 2002 -- and the Electoral Institute of Southern Africa (EISA) were also not invited.<sup>80</sup> Regional trade union bodies, which applied for permission to send an observer mission under the regional umbrella body, the Southern African Trade Union Co-ordination Council (SATUCC), were turned down.<sup>81</sup>

Crisis Group had recommended that SADC send a team by 1 January 2005 to work with Zimbabwean parties on the implementation of SADC principles.<sup>82</sup> This did not happen. SADC received its invitation only on 25 February 2005, although the principles required that it should be invited at least 90 days in

advance.<sup>83</sup> The first foreign observers, five members of South Africa's governing African National Congress (ANC) party, arrived in Harare on 9 March, three weeks ahead of the polls.<sup>84</sup>

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Karimanzira and Ray Kaukonde, the parliamentary candidate for the ruling ZANU-PF party, because they allegedly supported the MDC, were redeployed around Harare. "More polling officers expelled for not supporting ZANU PF", *ZimOnline*, 30 March 2005.

<sup>76</sup> "Over 1,000 'pro-opposition' poll officials fired", *IRIN*, 30 March 2005.

<sup>77</sup> Crisis Group interview with Dr. Reginald Matchaba-Hove, Harare, 1 April 2005; See also Reginald Matchaba-Hove, "Preliminary Statement: Day 1", *Zimbabwe Election Support Network*, 31 March 2005.

<sup>78</sup> "Mugabe picks poll observers", *iAfrica*, 20 February 2005.

<sup>79</sup> "Government bars ZCTU from polls", *The Herald*, 16 March 2005.

<sup>80</sup> "Concern over absence of SADC and EISA teams at poll", *IRIN*, 14 March 2005.

<sup>81</sup> "Zimbabwe bans all labour unions as poll observers", *Cape Times*, 10 March 2005.

<sup>82</sup> Crisis Group Report, *Another Election Chance*, op. cit., p.3.

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<sup>83</sup> "SA observer team off to Zimbabwe", *Sunday Argus (SA)*, 27 February 2005.

<sup>84</sup> "ANC team arrives to observe Zimbabwe polls", *Mail and Guardian*, 10 March 2005.

### III. ZANU-PF: BATTLES ON TWO FRONTS

In May 2004, President Mugabe announced that he would not seek re-election in 2008 and might retire before then. This ignited a fierce succession struggle within the highest echelons of the ruling party.<sup>85</sup> Ahead of the December 2004 party congress, internal tensions spilled into public view.<sup>86</sup> ZANU-PF was a party fighting on two fronts -- an internal war between its elites and an external war with the MDC for national supremacy. Ethnicity has resurfaced as a major issue on the political landscape. Zimbabwe is confronting not only its traditional Shona-Ndebele divide, but also increasingly sharp fissures within the Shonas, who dominate ZANU-PF. The splits within the party between Shona factions -- the Karanga and the Zezuru clans -- will likely remain a powerful influence on the succession struggle.

#### A. SHOWDOWN AT THE PARTY CONGRESS

Factional struggles reached a fever pitch at the December 2004 congress, set off by a scramble to fill the co-vice presidential post that became vacant on the death of Simon Muzenda in October 2003.<sup>87</sup> While the vice presidential position occupied by the aging and ailing Joseph Msika was also assumed to be up for grabs, Mugabe's statement on retirement fuelled intense efforts by Karanga and Zezuru-aligned factions to position themselves for the succession.<sup>88</sup> The Zezuru faction was essentially led by retired Army General Rex (Solomon) Mujuru, while Speaker of Parliament Emmerson Mnangagwa led the Karanga faction. Nevertheless, these alliances have many nuances. The power struggle does not divide neatly along Zezuru-Karanga lines; Mujuru and Mnangagwa have loyalists from a variety of clans and ethnic groups.

On the eve of the party congress, Mnangagwa's faction secretly drew up the "Tsholotsho Declaration", which sought to replace all members of the presidium, except President Mugabe, with leaders friendly to it. In essence, this had the makings of a palace coup aimed at placing

Mnangagwa firmly in line for the top job.<sup>89</sup> The Mujuru camp hastily countered by amending the party constitution to reserve the vacant vice presidential slot for a woman -- a move to block Mnangagwa.<sup>90</sup> During the congress, the Mujuru faction made a clean sweep of the acrimonious "election within an election".<sup>91</sup> Joyce Mujuru, the general's wife, was elected to fill the vacant vice presidential post while Mugabe was unanimously re-elected president of ZANU-PF until 2009. This quashed speculation that he was ready for imminent retirement, although he has recently repeated that he will leave the presidency in 2008 when his term expires.<sup>92</sup>

Once at the helm of the party, the Mujuru faction came down hard on its rivals, demoting or stripping a number of members associated with Mnangagwa of party and government positions. This was aided by a security incident toward the end of 2004. On 18 December 2004, a South African intelligence agent was arrested by Zimbabwe's Central Intelligence Organisation at Victoria Falls.<sup>93</sup> While the facts remain uncertain, the Mujuru faction was able to use the case to remove elements loyal to Mnangagwa, including Phillip Chiyangwa (Mugabe's cousin and provincial chairman of Mashonaland West), Director of External Affairs Itayi Marchi, Director for Security Kennedy Karidza, and the ambassador designate to Mozambique, Godfrey Dzvairo. Most of these individuals were subsequently jailed.<sup>94</sup> The March elections imposed a measure of restraint since expelling too many might have hurt the party's vote and perhaps forced some into the MDC camp.<sup>95</sup> One academic

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<sup>89</sup> Deriving its name from a meeting held on 18 November 2004 in the remote rural Tsholotsho Constituency in Matabeleland North province, the "Tsholotsho" line-up attempted to balance Zimbabwe's ethnic, generational and gender identities. The line-up included Robert Mugabe (a Zezuru as president), Emmerson Mnangagwa (a Karanga as first vice president), Thenjiwe Lesabe (a Ndebele female war veteran, as second vice president), Patrick Chinamasa (a Manyika "Young Turk" as national chairman), and Jonathan Moyo (a Ndebele "Young Turk" as secretary for administration).

<sup>90</sup> "Emergency politburo called", *The Daily Mirror*, 24 November 2004; "Mnangagwa bares all", *The Financial Gazette*, 12 November 2004.

<sup>91</sup> "Mujuru nominated VP", *The Herald*, 23 November 2004.

<sup>92</sup> Innocent Gore, "President to retire in 2008", *The Herald*, 22 April 2005.

<sup>93</sup> Crisis Group interview with top ZANU-PF politicians in Harare, December 2004.

<sup>94</sup> In February, Zimbabwe's high court sentenced Godfrey Dzvairo to six years in jail; ZANU-PF Director for External Affairs Ital Marchai and former banker Tendai Matambanadzo each got five years. The trial of Phillip Chiyayangwa and other ZANU-PF officials continues. A sixth suspect escaped to Switzerland under diplomatic cover.

<sup>95</sup> "Manifesto, chaotic primaries delay ZANU-PF campaign", *The Financial Gazette*, 10 February 2005.

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<sup>85</sup> Caroline Mango, "Mugabe not seeking re-election in 2008", *East African Standard*, 15 May 2004; "A rare meeting with 'Comrade' Bob", *East African Standard*, 15 May 2004.

<sup>86</sup> Crisis Group interview with a Zimbabwean academic, University of Zimbabwe, Harare, 3 February 2005.

<sup>87</sup> The party convenes every five years to elect a new party leadership. See also Crisis Group Africa Report, *Another Election Chance*, op. cit., pp. 7-9.

<sup>88</sup> *Ibid.*

suggested that ZANU-PF and Mugabe's greatest threat in the election was "not so much the MDC, but internal opposition".<sup>96</sup>

The ZANU-PF party primaries were also marred by factional conflict, including violence, rampant vote-buying and rigging, particularly with regard to seats set aside for women.<sup>97</sup> Jonathan Moyo, who had convened the Tsholotsho meeting found that his anticipated constituency was declared a "woman's seat". Moyo was dismissed from the party and his cabinet post when he defied the party and stood as an independent. On 23 March 2005, Mugabe questioned why he had sought a meeting the previous month with the army commander, Phillip Sibanda, and accused him of plotting a military coup.<sup>98</sup> Moyo was, nevertheless, the only independent candidate to win a seat during the 31 March elections, and he has forged an alliance with sixteen independent candidates and disillusioned war veterans in what many consider a first step toward creating a new party that could contest the 2008 presidential elections.<sup>99</sup>

Moyo's patron, Mnangwagwa, was not so fortunate. The Mujuru faction secretly backed the MDC candidate for his Kwekwe constituency, Blessing Chebundo, who won easily, leaving him at the mercy of his party foes. Mugabe appointed him as a non-constituency member of parliament and later head of the obscure ministry of rural housing and social amenities, but to all intents and purposes he is now a cashiered general without soldiers.

## B. THE ETHNIC FACTOR

Since the party congress at which Zezuru clan members came to dominate the presidium, concern has grown over the sharpening of clan and ethnicity fault lines on the political scene. While the current leadership is not monolithic -- John Nkomo is a Ndebele -- the upper echelons of the country's power structure are increasingly "Zezurunised".<sup>100</sup> Although Vice President Joyce Mujuru is a noted liberation war veteran in her own right who seems to enjoy the full support of Mugabe, her husband, General Rex Mujuru, is the real power behind the Zezuru

throne.<sup>101</sup> His strength stems from his strong links with former liberation fighters, including such ZAPU stalwarts as Vice President Joseph Msika, John Nkomo and Dumiso Dabengwa. Rex Mujuru wields dominant influence within the state security forces currently under the control of fellow Zezurus such as Defence Forces Commander Constantine Chiwenga, Central Intelligence Director General Happyton Bonyongwe, Police Commissioner Augustine Chihuri, and Director of Prisons Paradzai Zimondi. Other Zezurus in key positions include Chief Justice of the Supreme Court Godfrey Chidyaisiku and the Registrar General Tobaiwa Mudede.

The new Zezuru elite also has important allies from other clans and ethnic groups such as Defence Minister Sydney Sekeramayi, Retired Air Marshall Josiah Tungamirai, State Security Minister Didymus Mtasa, Information and Publicity Secretary Nathan Shamuyarira and the ZANU-PF Women's League chief, Oppah Muchinguri -- all veterans of the liberation struggle who fought alongside Mujuru and Mugabe.

The March election also saw ZANU-PF actively promote a number of Mugabe's close relatives, part of a likely effort by the octogenarian leader to secure his future after retirement. Nephews Leo Mugabe and Patrick Zhuwawo won seats for the first time, while his sister, Sabina Mugabe, and cousin, Ignatius Chombo, retained theirs. Mugabe also appointed his uncle, Mashonaland West Governor Nelson Samkange, to parliament and his nephew, Zhuwawo, as deputy minister for science and technology.<sup>102</sup>

The growing divide between the Karanga and Zezuru factions enabled the MDC to make some inroads in rural areas, especially in the Karanga homelands of Midlands and Masvingo provinces.<sup>103</sup> In Matebeland and Midland, the recent ethnic divisions have reawakened bitter memories of the massacres in the 1980s, when between 10,000 and 20,000 Ndebele minorities died at the hands of the largely Shona state security forces.<sup>104</sup> The Ndebele-

<sup>96</sup> Crisis Group interview, Harare, February 2005.

<sup>97</sup> SADC principles call for at least a third of constituencies to be reserved for women candidates.

<sup>98</sup> "Mugabe accuses Moyo of coup plot", *Mail and Guardian*, 24 March 2005.

<sup>99</sup> "Moyo ready to challenge Mugabe", *Sunday Argus*, 6 March 2005.

<sup>100</sup> President Mugabe and Vice President Mujuru are Zezuru. Msika, a fluent Ndebele and Shona speaker, has ties to the Zezuru via his maternal lineage, although he gained the vice presidency under the Unity Accord between ZANU-PF and ZAPU in 1987.

<sup>101</sup> Joyce Mujuru joined the war of liberation as a teenager in 1973, used the pseudonym "Teurai Ropa" (Spill Blood), and rose to become a camp commander and member of the general staff. Recently, Mugabe has urged her "to aim higher", saying in his closing remarks to the December congress that, "When you choose a vice president, you don't want her to remain in that position forever do you?". See, "Mugabe mystery hint on successor", *The Financial Gazette*, 9 December 2004; "Aim higher, President tells VP Mujuru", *The Herald*, 6 December 2004.

<sup>102</sup> "Mugabe looks to family to tighten his grip", *Independent Online*, 30 March 2005.

<sup>103</sup> Crisis Group interviews in Harare, 30 March 2005.

<sup>104</sup> The report of the Catholic Commission for Justice and Peace in Zimbabwe, "Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and Midlands,



Shona ethnic hostilities effectively locked ZANU-PF campaigners out of Matebeleland.<sup>105</sup> Jonathan Moyo, a Ndebele, astutely played on fears of Shona abuses to win the Tsholotsho seat.

ZANU-PF infighting -- which appears to be a struggle dominated by competing ambitions rather than any discernible policy or ideological differences -- is a dangerous addition to Zimbabwe's already chaotic political scene. On 16 April 2005, Mugabe named a new cabinet, which reflected both an ethnic balancing act and an effort to reward Mujuru loyalists, but there is little to suggest that the power struggle has been resolved. A particular worry is the continued fight for ethnic control of the security services. Even though the highly partisan Zimbabwe National Army has always conceived of itself as a praetorian guard deeply loyal to Mugabe, recent charges and counter-charges of a potential coup suggest that the armed forces are not immune to the ethnic divisions and quarrels that plagued ZANU-PF in the run-up to the March elections.<sup>106</sup> The on-going purge of Mhangawa supporters is likely to affect some in the armed forces, with far-reaching consequences for their stability, especially when Mugabe leaves office.

#### IV. THE MDC: WHERE NOW?

The elections were a heavy blow for the MDC. The 41 seats it won were sixteen fewer than in 2000. Although the party continues to protest massive irregularities, it has decided to participate in the new parliament while it considers its strategic options.<sup>107</sup> It believes that it is supported by a majority of Zimbabweans but fears that any effort to conduct mass protests will be met with overwhelming force from the security services.

The MDC struggled to decide if it should compete in the March 2005 elections given ZANU-PF's track record of electoral abuse. On 3 February 2005 it announced it would do so "under protest", thus reversing an August 2004 decision to boycott until and unless the ruling party implemented the SADC electoral guidelines in full. The party was under pressure to compete from regional and other international actors who believed its parliamentary influence had tempered ZANU-PF policy, and a boycott would worsen the political crisis. The new decision was contentious, however. MDC President Morgan Tsvangirai summed up, "We are damned if we participate, and damned if we don't".<sup>108</sup> The indecision and late start made an always problematic campaign even more difficult in many respects.

The MDC now faces a stern test of survival. The election losses have triggered internal debate about its future course, including questions as to whether a new, third force is necessary if power is ever to be wrestled from the ruling ZANU-PF<sup>109</sup>, and about Morgan Tsvangirai's leadership skills because of his general failure to give clear direction after the disputed poll result.<sup>110</sup> While these fissures are unlikely to produce a real split, there is talk of at least a "leadership reshuffle".<sup>111</sup>

The party is struggling to maintain unity across a number of strategic, leadership, ideological, ethnic and even generational fault lines -- divisions that have made a coherent and consistent opposition approach in the post-election situation more difficult. For its part, ZANU-PF has been eager to use its control of

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1980-1988", has been widely distributed in Matabeleland provinces since its September 2001 publication, serving to keep memories of the "Gukuruhundi" alive.

<sup>105</sup> Crisis Group interview, Bulawayo, February 2005.

<sup>106</sup> On the eve of the 2002 presidential election, its commander, General Vitas Zvinavashe, said the army would never salute a president who did not have liberation war credentials -- a reference to MDC leader Morgan Tsvangirai. "Acid test for divided ZANU-PF", *The Star*, 23 March 2005.

<sup>107</sup> "MDC to take seats in parliament", *ZimOnline*, 8 April 2005.

<sup>108</sup> "Tsvangirai explains election dilemma", *The Star*, 27 January 2005.

<sup>109</sup> Trevor Ncube, "Zimbabwe needs 'third way' solution", 3 March 2005, available at <http://www.newzimbabwe.com/pages/opinion56.12408.html>.

<sup>110</sup> "Tsvangirai must go", *The Independent* (UK), 5 April 2005.

<sup>111</sup> As an example of reporting in the Zimbabwe press on possible intra-party divisions over leadership personalities, see "MDC factions come up with 'Chitungwiza Declaration'", *The Sunday Mirror*, 30 May 2005.

the domestic media to amplify any signs of potential discord within its rival. As a Zimbabwean political analyst commented:

"The real fault line in the MDC is its inability to continue to mobilise people on the route of mass democratic resistance, mass action and other forms of struggle outside the electoral...channels. The absence of what people called a 'Plan B' and the weakness in alliance that emerged before the election are the real threats to the MDC".<sup>112</sup>

While membership in the MDC's several camps is neither clear-cut nor completely consistent, "moderates" have generally rallied behind the secretary general, Welshman Ncube. They largely consist of professionals, academics, leaders of civic groups and others who favour a pragmatic approach that often involves a preference to take disputes to the courts rather than the streets, despite the acknowledged difficulty of obtaining a fair hearing from the ZANU-PF dominated judiciary. They still believe that a negotiated settlement is more likely to resolve Zimbabwe's five-year political impasse than is mass political action. After 31 March, they won the argument over whether the MDC should take up their seats in parliament.<sup>113</sup> Critics argue these positions have softened the party's opposition to human rights abuses and repression by the ZANU-PF government.<sup>114</sup> Despite the fact that he has increasingly emerged in the eyes of many as a credible leader, Ncube personally still faces an uphill task to build a national base of grassroots support. Some commentators suggest this is linked to his status as a minority Ndebele.

The wing of the party led by its president, Morgan Tsvangirai, has generally been more optimistic about what might be achieved through mass action. The political careers of many in this wing were forged in labour politics -- Tsvangirai himself became prominent during the strikes that frequently shut-down Zimbabwe's larger cities in the 1990s. However, Tsvangirai's credibility has been damaged by the relative inertia that followed the elections, and MDC relations with the Zimbabwe Congress of Trade Unions (ZCTU) have frayed under a variety of pressures.<sup>115</sup> ZCTU Secretary General Wellington Chibhebhe has charged that the party has treated the trade unions as "a caterpillar that digs the road, and as soon as it is smooth and ready for use, the

caterpillar is banished and punished if it tries to drive on it".<sup>116</sup>

There are also tensions with civic groups like the National Constitutional Assembly (NCA) and pro-democracy academics. The NCA leadership has regularly accused the MDC of abandoning the constitutional reform platform on which it was originally formed in favour of pursuing a purely bureaucratic struggle for power. Academics and political analysts with whom Crisis Group has talked urge the party to work from its bases in parliament and local government while using the election disappointment to re-energise constituents and re-embrace its founding principles as a social movement.<sup>117</sup> One Zimbabwean political analyst observed that after the election, MDC supporters figuratively "beat each other up and looked at what worked and what did not work. They condemned each other for not having been ready to mobilise the people after the stolen vote, but immediately set themselves up to work on that with the benefit, this time, of a strategy".<sup>118</sup>

Tsvangirai continues to command deep grassroots support and remains the only recognisable public face of the opposition in and outside Zimbabwe. "Without Tsvangirai", said Coleen Gwiyo, deputy secretary of the ZCTU, "there is no MDC to talk about; he is the only hands-on leader in the party. More of those are needed if the party is to be effective".<sup>119</sup> The challenge for Tsvangirai is to use his still considerable popularity to steer the party towards unity, cohesion and firm action. That requires reassuring millions of disillusioned supporters and winning back the confidence of those who feel that the party has lost its willingness to confront the government. The MDC's national executive committee held a post-election retreat in early May 2005 and reached consensus that party cohesion and efforts to mobilise mass action around the scarcity of key commodities, such as food and water, should be key priorities.

Much remains to be done at the party congress in January 2006 when the MDC will have an opportunity to revitalise the top ranks and reach out for fresh ideas by bringing in new leaders from civil society and the private

<sup>112</sup> Crisis Group correspondence, 17 May 2005.

<sup>113</sup> Crisis Group interview with Michael Mataure, civil society leader, Harare, April 2005. See also "MDC to take seats in parliament", *ZimOnline*, 8 April 2005; "Govt will not tolerate post-election demonstrations", *IRIN*, 30 March 2005.

<sup>114</sup> Crisis Group interview with a civil society leader.

<sup>115</sup> Crisis Group interview with Wellington Chibhebhe, secretary general of ZCTU, 4 February 2005.

<sup>116</sup> *Ibid.* The ZCTU convened the 1 March 1999 "National Working People's Convention" in Harare, consisting of more than 40 civic groups, which formed the MDC.

<sup>117</sup> Crisis Group interviews with civic leaders and Zimbabwean intellectuals, Harare, 1-4 February 2005.

<sup>118</sup> Crisis Group correspondence, 17 May 2005.

<sup>119</sup> Crisis Group interview with Coleen Gwiyo, deputy secretary Zimbabwe Congress of Trade Unions, May 2005.

sector. There have been some calls for Tsvangirai to step down, but these do not appear to have gained traction.<sup>120</sup>

The party has also reached consensus that merely repeating the experience of competing in unfair elections will not produce better results. Nor is simply biding time and waiting for a possible Mugabe retirement in 2008 an attractive option. The MDC and its international friends have their work cut out for them to devise creative and effective ways to bring pressure for democratic change to bear on ZANU-PF. The MDC is currently redefining its post-election agenda, but it needs to move fast. So far, this agenda has five -- admittedly very general -- elements:

- ❑ mass engagement to push for constitutional reform of some sort and new parliamentary and presidential elections before 2008;
- ❑ a new strategic alliance with civil society;
- ❑ renewal of party leadership and revitalisation of its structures;
- ❑ concentration on developing practical alternative programs on crucial issues affecting the daily lives of Zimbabweans including the deteriorating economy, food insecurity and human rights abuses; and
- ❑ rebuilding external relations, especially with Southern African governments and the African Union, in order to mobilise greater pressure from those quarters on Mugabe and ZANU-PF.<sup>121</sup>

## V. PREVENTIVE SECURITY MEASURES

Tensions considerably increased in late May 2005 as the government began a widespread crackdown on small-scale, informal traders in Harare and other major cities. With unemployment well over 70 per cent and shortages of food, fuel and vital consumer items remaining acute, those traders have become a vital linchpin of the urban economy. However, on 19 May the government launched "Operation Murambatsvina"<sup>122</sup> -- a blitz against those traders after the new security minister, Didymus Mutasa, advised it of the risk of spontaneous mass protests in response to the difficult economic situation, especially in the opposition strongholds of Harare and Bulawayo. Through 6 June, more than 30,000 people have been subjected to an "arrest-detain-release" intimidation cycle, including in rural Masvingo and Mashonaland provinces.<sup>123</sup> A further 200,000 have lost homes as security officials razed the shanty homes of the poor. If the crackdown is not halted, some two to three million are under threat of becoming homeless.<sup>124</sup>

The authorities claim that Murambatsvina is a comprehensive effort to clean up the cities and choke a thriving black market it accuses of siphoning foreign currency, fuel, maize meal, sugar, and cooking oil from the formal sector for re-sale at much higher prices.<sup>125</sup> While the government insists that it is simply acting against "economic saboteurs", the effort is also directly driven by ZANU-PF efforts to crush any dissent caused by the backlash against disastrous and corrupt economic policies. The crackdown on informal goods is also likely a measure by ZANU-PF to ensure that it can more closely control markets, and benefit by skimming profits from official imports from China and elsewhere.

Local Government, Public Works and Urban Development Minister Ignatius Chombo announced on 24 May 2005 that Harare city council would begin to charge a "huge

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<sup>120</sup> "Pressure mounts for Tsvangirai to resign", *The Daily Mirror*, 5 April 2005; Crisis Group interview with senior MDC leaders, 8 May 2005.

<sup>121</sup> Crisis Group interview with a senior MDC leader, 9 May 2005.

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<sup>122</sup> "Murambatsvina" is a Shona word meaning "to drive out rubbish". Zimbabweans have dubbed the operation the country's own tsunami. Tafi Murinzi, "In the midst of restoring order -- chaos", Reuters, 3 June 2005.

<sup>123</sup> Basildon Peta, "Zimbabwe army sent to quell urban uprising", *The Sunday Independent*, 29 May 2005.

<sup>124</sup> Crisis Group interview with Michael Mataure, executive director, Southern Africa Parliamentary Forum Trust, 7 June 2005; Michael Hartnack, "Zimbabwean government continues blitz", *The Guardian* (UK), 5 June 2005.

<sup>125</sup> "Zimbabwe arrests 10,000 in crackdown on black market", Reuters, 24 May 2005.

levy" on all illegal structures.<sup>126</sup> Crisis Group sources indicate that owners have been given up to the end of July to clarify the status of any structures on their property or fines will be issued.<sup>127</sup> Following a warning by the spokesperson for Harare municipality, Leslie Gwindi, that shacks constructed on residential properties would be dealt with, and "we will not have a shantytown",<sup>128</sup> the government has come down hard on the homes of Harare's poor, further casting into doubt the motives behind the clean-up campaign. The effort to control unregistered housing has the potential to leave large numbers homeless unless the government follows through on promises to help with alternative housing.

The MDC accused President Mugabe of taking revenge on its urban supporters and trying to provoke conditions that would justify a state of emergency that would give the government unlimited powers of detention, seizure and censorship.<sup>129</sup> Given ZANU-PF's broad control of the political landscape, however, such emergency powers are almost irrelevant. Eldred Masunungure, a prominent researcher at the University of Zimbabwe suggests a different motive:

The politics behind the crackdown is much more complex than we think. ZANU-PF does not operate on short-term strategy. "Murambatsvina" is a medium to long-term strategy hatched in response to the outcome of the March elections to radically alter the demographic profile of urban centres by depopulating these opposition enclaves of Harare, Bulawayo, Mutare, Gweru and other key provincial towns ahead of the next elections in 2008 and 2010.<sup>130</sup>

The MDC's shadow justice minister, David Coltart, calls the crackdown a "pre-emptive strike designed to remove the maximum possible number of people from urban areas to rural areas...easier to control".<sup>131</sup> Other Crisis Group interlocutors also suggest the operation may be part of a pre-emptive security strategy to forestall serious trouble in the cities by turning the disaffected urban poor into a new generation of rural peasants.<sup>132</sup>

Public anger at the crackdown is wide and deep but there has been no move to concerted street protests for fear the government will violently crush dissent as it has in the past. A civil society activist commented:

"The MDC has done little in response, and the people have also done very little in any collective, organised way to show any protest. ZANU-PF, no doubt, will get away with this as it has gotten away with so much else. Tens of thousands of vendors and their families will suffer, and who will act out against it?"<sup>133</sup>

However, the police were forced to fight sporadic running skirmishes with informal traders, especially in Harare's Glen View suburb,<sup>134</sup> and civil society groups under the banner of "Broad Alliance" have called for a two-day stay-away on 9-10 June 2005.<sup>135</sup> The government is seeking to blunt resistance by registering those whose illegal stalls and homes have been demolished and promising them new structures.

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<sup>126</sup> "Police demolish tuck shops, flea market stalls in Harare", *The Herald*, 25 May 2005.

<sup>127</sup> Crisis Group telephone interview, 24 May 2005.

<sup>128</sup> "Zim targets backyard shacks", *iAfrica*, 24 May 2005.

<sup>129</sup> "Riots spread to poor Harare suburb", *ZimOnline*, 27 May 2005.

<sup>130</sup> Crisis Group telephone interview with Professor Eldred Masunungure, head of Political Science Department, University of Zimbabwe, 6 June 2005.

<sup>131</sup> "Mugabe's regime lays waste to buildings in new terror tactic", *Sunday Times* (UK), 5 June 2005.

<sup>132</sup> Perhaps supportive of this theory is the recent appointment of Didymus Mutasa, the head of the Central Intelligence

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Organisation, to preside over the latest version of the accelerated land redistribution program. Crisis Group correspondence with a civil society leader, 6 March 2005.

<sup>133</sup> Crisis Group correspondence, 25 May 2005.

<sup>134</sup> "Riots spread to poor Harare suburb", *ZimOnline*, 27 May 2005.

<sup>135</sup> The Broad Alliance is an indication that a wide spectrum of the pro-democracy movement is seeking to remobilise, including the NCA, ZCTU and Crisis Coalition as well as the MDC, but some call the effort "getting angry long after the fact". Crisis Group telephone interview with Michael Mataure, executive director, Southern African Parliamentary Trust, 6 June 2005.

## VI. INTERNATIONAL ACTORS

The international community continues to struggle to come to terms with the situation in Zimbabwe. Few African institutions have had the fortitude to criticise Mugabe. South Africa, the single country with the greatest influence, has consistently disappointed. Many observers believe that President Thabo Mbeki's commitment to African solidarity has blinded him to the high costs of Mugabe's rule, to both Zimbabwe and the southern African region. The targeted sanctions the EU and the U.S. have applied against its leading figures have been at best an annoyance, not a deterrence, for the ZANU-PF regime.

### A. SOUTH AFRICA

Zimbabwe's arrest of a South African on espionage charges in December 2004 and the use of that incident in ZANU-PF's internecine disputes<sup>136</sup> troubled the bilateral relationship briefly in the pre-election period. Coverage in Harare's government-dominated media was sensationalist but the South African foreign ministry downplayed the affair, and the Pretoria government generally maintained a steady course.<sup>137</sup>

In the initial stages of the election campaign, a number of critical comments suggested South African approval might not be a certain thing. ANC Secretary General Kgalema Motlanthe said, "We have been concerned about several things. The MDC is a party that participates in parliament and it controls several municipalities. This [barring of political meetings] impairs their ability to interact with their constituencies".<sup>138</sup> At a meeting on 27

January with the COSATU trade union congress that had consistently been more critical of the situation, the ANC seemed to share a consensus that conditions in Zimbabwe were not congenial for free and fair elections.<sup>139</sup> On 22 February, President Mbeki himself expressed concern over voter roll irregularities, though he was careful to stress that free and fair elections were still possible and to reiterate his commitment to sending SADC observers.<sup>140</sup> Two weeks later, Deputy Foreign Minister Aziz Pahad reiterated the government's position, "There is no reason to believe that there is anyone who would want to infringe on the rights of the Zimbabwean people to express their will fully at these elections".<sup>141</sup>

Ideological and racial fissures within the twenty-member (twelve from the ANC) South African parliamentary observer mission appeared as soon as it arrived in Zimbabwe on 14 March.<sup>142</sup> The Independent Democrat party (ID) member, Vincent Gore, withdrew on 18 March, claiming that the "entire observer mission is a farce and a waste of taxpayers' money", and "the upcoming Zimbabwean elections are not going to be free and fair, and...the mission is being used as a vehicle to rubberstamp the ruling party's (ANC's) various statements already made by government that the elections will be free and fair".<sup>143</sup> Roy Jankielsohn, the representative of the predominantly white opposition party Democratic Alliance (DA), alleged that the leader of the team, Labour Minister Membathisi Mdladlana, ANC chief whip Mbulelo Goniwe, and Deputy Safety Minister Suzan Shabangu had threatened to revoke his observer status and abandon him to the Zimbabwean police if he did not behave.<sup>144</sup>

When Mdladlana said preparations were going well and he was hopeful the voting would also be without hitches,<sup>145</sup> the MDC wrote that it would not meet with the mission unless he withdrew his statement.<sup>146</sup> Mdladlana denied he had prejudged the outcome of the elections and claimed he had been misquoted.<sup>147</sup> Nevertheless, on the day before

<sup>136</sup> See section III A above.

<sup>137</sup> Deputy Foreign Minister Aziz Pahad remarked, "That's the world of intelligence. Everyone expects that every country has declared and non-declared agents in operation but we [South Africa and Zimbabwe] are not enemies". "Pahad foresees no fallout over spy saga", *The Sunday Times*, 23 January 2005. Some observers have suggested that the success of the Mujuru faction at the ZANU-PF congress pleased President Mbeki and facilitated efforts to limit the impact of the espionage affair. Crisis Group interview with South African officials, Pretoria, December 2004; See also *Africa Confidential*, Vol. 46, No.4, February 2005. Since the elections, Harare has claimed the spy is not under arrest, but rather has been held for questioning, essentially as a witness, in the espionage trials of the arrested Zimbabweans. Too much about the incident and its political implications remains uncertain, however, to make firm judgments. See "SA spy in Zim 'only a witness'" iAfrica, 3 May 2005.

<sup>138</sup> "ANC urges Mugabe to allow opposition rallies", *The Daily News*, 17 January 2005.

<sup>139</sup> "ANC/COSATU agree conditions in Zim not 'conducive' to free poll", IRIN, 28 January 2005.

<sup>140</sup> "Transcript of *Financial Times* interview with President Thabo Mbeki", *Business Day* (SA), 22 February 2005.

<sup>141</sup> "Pahad confident about Zim poll", *News24*, 7 March 2005.

<sup>142</sup> "No place for minority views in MP's report on Zimbabwe poll", *Business Day* (SA), 11 March 2005.

<sup>143</sup> "ID pulls out of Zim observer mission", iAfrica, 18 March 2005.

<sup>144</sup> "SA's Harare mission imploding", *Cape Times*, 30 March 2005.

<sup>145</sup> "SA observer team hails poll preps", *The Herald*, 15 March 2005.

<sup>146</sup> "MDC demands an apology, AU observers still on the way", *ZimOnline*, 17 March 2005.

<sup>147</sup> "Mdladlana denies prejudging Zim poll", iAfrica, 18 March 2005.

the vote the MDC said that the observers had not investigated people and locations identified to them as involved in electoral fraud and that it believed the South Africans wanted to rubber-stamp a ZANU-PF victory.<sup>148</sup> The party's secretary general, Welshman Ncube, said the MDC had invited the South African and SADC observer missions to numerous rallies in rural areas but they "didn't bother to turn up, preferring to hang around in the lobbies of five-star hotels in Harare and Bulawayo".<sup>149</sup>

In its subsequent assessment, the South African observer mission declared the March 2005 elections a reflection of "the free will of the people of Zimbabwe",<sup>150</sup> conducted in line with the laws of the country, which generally conformed to SADC guidelines. It concluded that the political climate was conducive to a fair vote, with sufficient political space for all parties to campaign, the parties showed tolerance and maturity, and electoral institutions performed smoothly and fairly.<sup>151</sup> In his weekly column, President Mbeki criticised what he called:

an intensive international "campaign" to firmly establish the view that these elections were irredeemably unfree and unfair...All those who support the democratic and sovereign right of the Zimbabwean people to elect their own government should not deny them the possibility of freely electing their national parliamentarians. They should reject the efforts of those who have predetermined that these elections can be nothing but illegitimate.<sup>152</sup>

This approach to the parliamentary elections was consistent with the "quiet diplomacy" that South Africa has followed since the beginning of the Zimbabwe crisis. Some officials seem to consider the objective of that policy to be avoiding difficulty with a neighbour rather than helping it back on a path to rule of law and prosperity. A high-ranking diplomat told senior ZANU-PF officials immediately after the vote that, "You are now off our backs. You no longer need to come to us to prevail on MDC whenever you want to pass bills. But we hope you will not squander the two-thirds majority".<sup>153</sup> After a

cabinet meeting on 13 April 2005, the government announced that the elections "reflected credibly the will of the people", welcomed what it called the spirit of political tolerance shown by the main parties, and stated that it would continue to *work with them on economic growth and development* [emphasis added].<sup>154</sup> In reaction, the MDC has in effect cut its ties with the South African government, claiming that the endorsement of the March elections evidenced a long-standing bias that disqualified Pretoria from any further efforts to mediate a political compromise in Harare.<sup>155</sup>

In May, Foreign Minister Nkosazana Dlamini-Zuma claimed that the "hullabaloo [on Zimbabwe] is about black people taking land from white people" and added that there is an "element of racism" in the Zimbabwe issue.<sup>156</sup> The final report of South Africa's monitoring team, now tabled in parliament, asserts that the UK portrayal of the Zimbabwe situation is "biased".<sup>157</sup>

Business leaders have urged President Mbeki to work with them in an effort to help Zimbabwe find a way out of its economic difficulties. Business Unity South Africa (BUSA) says business has a vital stake in a resolution of those problems, particularly in light of a recent study which found that the Zimbabwe crisis cost the SADC region \$2 billion (R17 billion) between 2000 and 2003.<sup>158</sup> South Africa's ABSA Bank has signed a \$25 million loan deal with the Zimbabwe Allied Banking Group (ZABG) in a bid to revive Zimbabwe's ailing tobacco industry.<sup>159</sup> But the last several years have repeatedly shown that efforts to deal with Zimbabwe on a purely economic level do not work.

There is some South African resistance to President Mbeki's approach. In the run-up to the March election, some members of the ANC alliance, most notably COSATU and the South African Communist Party (SACP), openly broke with "quiet diplomacy" and resorted to mass action, including protests in front of the Zimbabwean embassy in Pretoria and at the Beitbridge border post. Local police attempted to block the COSATU protests but the Pretoria high court authorised a final demonstration on 30 March.<sup>160</sup> Zimbabwe turned away

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<sup>148</sup> "MDC claims SA observers want to 'rubber-stamp' poll", *Business Day* (SA), 30 March 2005.

<sup>149</sup> "SA's observers 'hang around in hotel'", *Mail and Guardian*, 30 March 2005.

<sup>150</sup> "SA accepts Zim election result", *News24*, 2 April 2005.

<sup>151</sup> "Statement by the Leader of the South African Observer Mission, South African Minister of Labour Membathisi Mdladlana", 2 April 2005.

<sup>152</sup> Mbeki made these comments in his weekly column, "Zimbabwe elections: let the voice of the people be heard", *ANC Today*, Vol. 5, No. 13, 1-7 April 2005.

<sup>153</sup> Crisis Group was present when this remark was made on 2 April 2005.

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<sup>154</sup> "Zim vote 'credible' -- govt", *iAfrica*, 14 April 2005.

<sup>155</sup> Crisis Group interview with Welshman Ncube, MDC Secretary General, 22 April 2005.

<sup>156</sup> "Zim: Hints of racism", *News24*, 11 May 2005.

<sup>157</sup> "SA makes startling recommendations to Mugabe", *Sunday Independent*, 22 May 2005.

<sup>158</sup> "Business calls for discussion with Mbeki on Zimbabwe", *SABC News*, 5 April 2005.

<sup>159</sup> "SA bank breathes new life into tobacco industry", *IRIN*, 6 April 2005.

<sup>160</sup> "COSATU keeping pressure on Zim", *News24*, 31 March 2005.

two COSATU missions to verify compliance with the SADC electoral principles (in October 2004 and February 2005).<sup>161</sup> SACP urged SADC observers to give an honest assessment of the elections rather than rubber-stamp approval.<sup>162</sup> In February 2005, the largely white DA party sent a "fact-finding" mission to Zimbabwe, which, however, played into the hands of ZANU-PF, who used it to rouse racial sensitivities.<sup>163</sup>

## B. SADC

Because its non-binding guidelines for democratic elections<sup>164</sup> had been agreed to by Zimbabwe in 2004, SADC's observation of the March 2005 campaign and poll might have had special importance. In fact, it was marred by gamesmanship between the key players, almost never happened at all, and proved a general disappointment.

Although South Africa repeatedly stressed the importance of getting a multilateral team into Zimbabwe, one did not begin to arrive until 15 March, just two weeks before the polls and long after many steps to manipulate the results had already been taken, such as preparation of the voter roll. At least part of the delay must be attributed to Pretoria, which in mid-February actually attempted to

stop dispatch of a group of South African, Lesotho and Namibian legal experts. The foreign ministry wrote the SADC secretariat in Botswana that "the issue of the legal experts' visit" was "unnecessary" and "should not be followed up".<sup>165</sup>

Efforts to send a SADC mission were hampered by lack of clarity on mandate. While the SADC Secretariat claimed it had no power to send a legal team without directions from South Africa -- which chairs the organisation's directorate of politics, defence and security -- Foreign Minister Dlamini-Zuma insisted that the matter was a SADC responsibility, which South Africa should "have nothing further to do with". Zimbabwe contributed to the general confusion by delaying the issuance of an invitation.<sup>166</sup>

Similar problems frustrated efforts to get a proposed 35-member group of observers from the SADC Parliamentary Forum on the ground.<sup>167</sup> Zimbabwe's foreign ministry initially stated that the Forum would not be invited, prompting speculation this was because it had issued a critical report on the 2002 elections.<sup>168</sup> When the Forum protested, South African foreign ministry spokesman Ronnie Mamoepa said it was not an official SADC structure and so lacked standing.<sup>169</sup> Meanwhile Zimbabwe claimed that it had invited SADC, and by extension any element, including the Forum.<sup>170</sup> In the end, the Forum said it would not observe the election as it had "not been invited in its own right as an autonomous institution of SADC, which is a fundamental departure from the established practice".

Ultimately, a 50-member SADC delegation did arrive, led by South African Energy and Minerals Minister Phumzile Mlambo-Ngcuka. The MDC explained concerns to it,<sup>171</sup> but on 28 March Mlambo-Ngcuka said "If it goes on like this, and if the counting is done properly, we think there is great space for the will of the people to be expressed".<sup>172</sup>

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<sup>161</sup> Zimbabwe accused COSATU of overstepping its mandate to look after South African workers, while stressing "Zimbabwe was not a province of South Africa". "Zimbabwe warns COSATU against border poll protest", *Business Day* (SA), 9 March 2005; "Zimbabwean ambassador 'pities' COSATU", *iAfrica*, 9 March 2005. "Mugabe again kicks out ANC's trade union allies", *Business Day* (SA), 3 February 2005. See also "ANC won't stop Zim blockade", *Independent Online*, 13 February 2005; "COSATU seeks to revisit Zimbabwe", *The Daily Mirror*, 14 January 2005.

<sup>162</sup> "Democracy at risk in Zimbabwe poll, SACP warns allies", *Business Day* (SA), 21 February 2005.

<sup>163</sup> "DA: postpone Zimbabwe elections", *Mail and Guardian*, 18 February 2005; "DA trio to appeal Zim ejection", *Mail and Guardian*, 18 February 2005.

<sup>164</sup> The guidelines draw heavily from a wide array of regional and global documents on human rights, democracy, good governance, rule of law and election management, including: the Universal Declaration of Human Rights (UN, 1948); the International Covenant on Civil and Political Rights (UN, 1966); the African Charter on Human and Peoples' Rights (OAU, 1981); the AU Declaration on Principles Governing Democratic Elections in Africa (2002); the SADC Gender Declaration (1997); the SADC Parliamentary Forum's Recommendations on Elections (March 2001); the SADC Electoral Commissions Forum (SADC-ECF), the Electoral Institute of Southern Africa (EISA) Principles for Election Management, Monitoring & Observation (PEMMO, 2003) and the New Partnership for Africa's Development (NEPAD) Democracy and Good Governance Initiative (2001).

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<sup>165</sup> "SA 'scraps' Zim poll monitors", *News24*, 16 February 2005. See also "Confusion over SADC team's Harare visit", *Business Day* (SA), 18 February 2005.

<sup>166</sup> "Zim not yet ready for SADC", *The Daily Mirror*, 24 January 2005.

<sup>167</sup> "'Multi-party' observers" to Zim", *News24*, 10 February 2005.

<sup>168</sup> "SADC forum barred from Zim poll", *Mail and Guardian*, 8 March 2005.

<sup>169</sup> "SADC forum 'has no standing' to observe elections", *Business Day* (SA), 10 March 2005.

<sup>170</sup> "Concern over absence of SADC and EISA teams at poll", *IRIN*, 14 March 2005. See also "We've nothing to hide, says Government", *The Herald*, 9 March 2005.

<sup>171</sup> "MDC complains to SADC over role of military in poll", *ZimOnline*, 18 March 2005.

<sup>172</sup> "Zim elections could 'go well'", *News24*, 29 March 2005.

The SADC observer mission's preliminary report on 3 April congratulated the people of Zimbabwe for holding "peaceful, transparent, credible, well-mannered elections, which reflects the will of the people".<sup>173</sup>

Some part of the false starts and lack of enthusiasm for getting observers into Zimbabwe in a timely fashion displayed by SADC was almost certainly rooted in the belief shared by many officials in the Secretariat that the ZANU-PF regime has been unfairly demonised by the West because of the seizures of white-owned land.<sup>174</sup> Several SADC officials have told Crisis Group that the organisation's electoral guidelines were not intended to serve as an "instrument of punishment" against Zimbabwe which, they argue, made an important contribution by becoming the first member state to attempt to incorporate them into its laws and procedures.<sup>175</sup>

### C. THE AFRICAN UNION

The ten-member AU mission, led by Chief Kwadwo Afari-Gyan from Ghana, declared the elections "technically competent and transparent" and generally commended their peaceful conduct. It did identify, however, the large number of voters turned away from polling stations, those assisted to vote, and MDC allegations as requiring investigation.<sup>176</sup> The AU said it hoped that both of Zimbabwe's electoral commissions would promptly look into allegations of discrepancies in the voting figures in order to assure the authenticity of results.<sup>177</sup>

In recent months, the AU has become increasingly critical of human rights situations on the continent, including Zimbabwe's. The executive council of the AU-sponsored African Commission on Human and People's Rights adopted a report critical of Zimbabwe's human rights record during the AU summit in January 2005 in Abuja, Nigeria.<sup>178</sup> That document -- the result of investigations

carried out in June 2002 -- recommended that Zimbabwe restore the impartiality of its judiciary and police, end arbitrary arrests of political opponents and reconsider media and security legislation. It also called for an electoral authority independent of political influence and freedom for human rights and governance NGOs to operate without sanctions.

Similarly, the African Commission on Human and People's Rights agreed to hear an appeal by the Independent Journalists Association of Zimbabwe (IJAZ), Zimbabwe Lawyers for Human Rights (ZLHR), and the Zimbabwe chapter of the Media Institute of Southern Africa (MISA) against the legality of the AIPPA legislation at its 37<sup>th</sup> session, 27 April to 11 May 2005. The applicants argued that compulsory registration of journalists (Section 79) and abuse of journalistic privilege (Section 80) authorised by the law -- parts of which have already been struck down by Zimbabwe's supreme court -- infringe upon freedom of expression.<sup>179</sup> Statements were made by a number of NGOs and the government of Zimbabwe before the Commission on 28 April but no action has yet been taken.<sup>180</sup>

The AU should build on these promising starts and work with regional governments and SADC on the basis of the reports and other cases before the Commission to press Zimbabwe for comprehensive constitutional reforms that would dismantle its repressive legal and governance system.

### D. THE UN

On 4 April 2005, Secretary-General Kofi Annan welcomed the peaceful election day but expressed concern "that the electoral process has not countered the sense of disadvantage felt by opposition political parties who consider the conditions were unfair". He called on all sides to engage in constructive dialogue and specifically urged the government to take the "responsibility now to build a climate of confidence that will be essential for national unity and economic recovery in Zimbabwe".<sup>181</sup>

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<sup>173</sup> Phumzile Mlambo Ngcuka, SADC observer mission preliminary statement, 3 April 2005, available at [http://www.sadc.int/index.php?action=a2001&news\\_id=385&language\\_id=1](http://www.sadc.int/index.php?action=a2001&news_id=385&language_id=1).

<sup>174</sup> Crisis Group interview with SADC officials, Botswana, 9 February 2005.

<sup>175</sup> Ibid. The reference is to the Zimbabwe Election Bill and the Zimbabwe Electoral Commission Act, which were adopted in mid-January, see section II A above.

<sup>176</sup> "AU poll in surprise U-turn", *The Financial Gazette*, 7 April 2005.

<sup>177</sup> "AU observers call for probe into poll results", *The Daily News*, 5 April 2005. The reference was to the Zimbabwe Election Commission established early in 2005 and the pre-existing Election Supervisory Commission.

<sup>178</sup> The report was initially adopted by the AU executive council at the foreign minister level on 3 July 2004 but

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referred back to the committee when Harare argued it had not been given a chance to respond to the charges. See Crisis Group Report, *Another Election Chance*, op. cit.

<sup>179</sup> "African Commission to hear AIPPA challenge", press release, Media Institute of Southern Africa, 29 March 2005.

<sup>180</sup> Statements are available at <http://www.swradioafrica.com/pages/reports.htm>.

<sup>181</sup> "Secretary General welcomes peaceful Zimbabwe poll but asks for constructive dialogue", UN News Centre, 4 April 2005. Zimbabwe invited UN observers. "Mugabe picks poll observers", iAfrica, 20 February 2005. However, the



The UN has been largely silent about Zimbabwe since the present crisis began. Its Economic and Social Council re-elected Zimbabwe to another three-year term at the UN Human Rights Commission on 27 April 2005,<sup>182</sup> only twenty days after the Secretary-General had warned that the declining credibility of the Commission was damaging the reputation of the UN system as a whole.<sup>183</sup> African solidarity has generally prevented criticism. For example, on 26 November 2004, South Africa blocked a resolution in the General Assembly by filing a "no action motion".<sup>184</sup> Similarly, no action was taken at the 2004 session of the Human Rights Commission on a draft resolution expressing concern at the level of political violence, after a vote that generally pitted Africa and Asia against Europe and the Americas.<sup>185</sup>

The UN and an array of international financial and development institutions attempted to facilitate a renewed land reform program in Zimbabwe in 2000 but pulled back in reaction to the government's own violent and compulsory land acquisition policy.<sup>186</sup> Since then, Kofi Annan has repeatedly called for a phased and sustainable program while urging national reconciliation.

## E. THE EUROPEAN UNION

The EU, which was not invited to send observers, said it was unable to "conclude that the elections were free and fair".<sup>187</sup> A declaration by the presidency (held in this period by Luxembourg) expressed concern over serious shortcomings in the electoral system and reservations about the environment in which voting occurred, while acknowledging "some improvements in the

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organisation did not send an official mission, apparently relying instead on its agencies already in-country, such as UNDP, UNICEF and WFP.

<sup>182</sup> Sussanah Price, "Protests at Zimbabwe rights role," BBC News, 28 April 2005.

<sup>183</sup> "Without reform of human rights body, UN credibility at stake, Annan says", UN News Service, 7 April 2005.

<sup>184</sup> "Zim, Sudan resolutions blocked", *The Daily Mirror*, 26 November 2004.

<sup>185</sup> "Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World: 2004 Situation of human rights in Zimbabwe", UN Commission on Human Rights (2004), draft resolution E/CN.4/2004/L.33, 9 April 2004.

<sup>186</sup> Crisis Group Africa Report N°85, *Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa*, 17 September 2004, pp. 59-69; see also, "Secretary General Postpones UNDP administrator's trip to Zimbabwe following notice that government will compulsorily acquire farms", UN statement SG/SM/7429, 2 June 2000.

<sup>187</sup> "Declaration by the Presidency on behalf of the European Union on the Conduct of the Elections in Zimbabwe", European Union, 7789/05(Presse 78), Brussels, 5 April 2005.

conduct...compared with the previous polls". Irish Minister for Foreign Affairs Dermot Ahern called the elections not free and fair while adding that the ball was in the government's court to "respect the rights of the people of Zimbabwe".<sup>188</sup> Glenys Kinnock, an influential British Labour member of the European Parliament, said sanctions should be toughened because the election was "fundamentally flawed".<sup>189</sup> Nicholas Schmidt, deputy foreign minister of Luxembourg, bluntly described the elections as "phoney" and a "mockery".

The EU has maintained asset and travel sanctions against Mugabe and high-ranking ZANU-PF officials since 2002, though the latter regime has had loopholes due to obligations of member states to accept members of official delegations to various meetings of international organisations or other events. In April 2005, for example, Mugabe attended the funeral of Pope John Paul II in the Vatican (not an EU member). While in Rome for the funeral, he tried without success to meet with European leaders to urge an end to his regime's isolation.<sup>190</sup> In the afterglow of ZANU-PF's controversial landslide victory, Mugabe has spoken of relations with Europe, and even British Prime Minister Tony Blair -- against whom much of the ruling party's campaign venom was directed -- in conciliatory terms.<sup>191</sup>

In late February the EU renewed sanctions for another year, until 20 February 2006. The announcement included the proviso that there could be a review after the parliamentary elections but in the event nothing occurred to suggest that any relief will be considered. Zimbabwe's re-election to the Human Rights Commission is viewed by some EU member states as proof it will not be possible to obtain a resolution of censure in that UN body in 2005 -- something the EU has sought the previous two years.<sup>192</sup> They accordingly propose to concentrate on other African issues such as the Darfur crisis.

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<sup>188</sup> Irish department of foreign affairs, press release, "Minister for Foreign Affairs expresses concerns over conduct of Zimbabwe elections", 1 April 2005.

<sup>189</sup> "Call for tougher sanctions on Zimbabwe", *The Daily News*, 31 March 2005. Mrs. Kinnock, whose husband is a former head of the British Labour party and a former European Commissioner, is co-president of the Joint Parliamentary Assembly of the African, Caribbean and Pacific States-European Union (ACP-EU) Joint Parliamentary Assembly, one of the forums in which the EU considers Zimbabwe issues.

<sup>190</sup> The press, however, gave play to a handshake between Mugabe and Prince Charles, the heir to the British throne, "Mugabe pushes to end isolation", *ZimOnline*, 8 April 2005.

<sup>191</sup> "Mugabe claims victory has sent message to Blair", *Mail and Guardian*, 2 April 2005.

<sup>192</sup> See for last year's proposal, UN Commission on Human Rights (2004), op. cit.

Nevertheless, Zimbabwe is likely to continue to trouble EU-African relations, much as happened when the issue of Mugabe's attendance caused postponement of a summit scheduled for April 2003 in Portugal.<sup>193</sup> On 11 April 2005, less than two weeks after the election, EU and African ministers failed at a meeting in Luxembourg to break an impasse over whether such a summit can be held in 2005. In a communiqué, the EU reiterated its position that political circumstances [Zimbabwe] impede a summit; the AU denied there were any such impediments, implying that it considers the crisis in Zimbabwe over.<sup>194</sup> While maintaining sanctions, the EU has continued to provide humanitarian assistance to Zimbabwe,<sup>195</sup> and the UK is one of the top three bilateral donors.<sup>196</sup>

## F. THE UNITED STATES

The year 2005 opened with strong rhetoric, suggesting that earlier differences of policy nuance between the State Department and the National Security Council might have been resolved.<sup>197</sup> On 18 January, Secretary of State Condoleezza Rice signalled an apparent hardening of policy by including Zimbabwe among six "outposts of tyranny" requiring close U.S. attention.<sup>198</sup> On 2 March the U.S. extended its freeze on the assets of Mugabe and about 80 other prominent Zimbabweans for another year, to 6 March 2006.<sup>199</sup> Zimbabwean civil society and the MDC hailed the Rice comment as valuable if essentially symbolic support. South Africa's Mbeki characterised it as "an exaggeration", adding, "whatever your government wants to do with regard to

that list of six countries or however many, I think it's really somewhat discredited".<sup>200</sup>

U.S. embassy officials in Pretoria have expressed frustration to Crisis Group with President Mbeki's "do little, say little" approach.<sup>201</sup> A hint of this disenchantment became public through a statement the embassy issued in February that "as a regional leader and as a democratic nation, South Africa can play a key role in putting pressure on the Mugabe regime to adhere to the spirit as well as the letter of the electoral principles established unanimously...by the Southern African Development Community (SADC)".<sup>202</sup> Nevertheless a slight softening of at least rhetoric became discernible even before the election. After a meeting between Rice and her South African counterpart, Dlamini-Zuma, on 4 March, State Department spokesman Richard Boucher said Rice had expressed concerns that the conditions in Zimbabwe "make it difficult" to have a free and fair election on 31 March, "but [we] still hope it can happen...and we welcome South Africa's effort in that regard".<sup>203</sup> Asked by Crisis Group researchers two weeks before election day to comment on the labelling of Zimbabwe as an "outpost of tyranny", one official said, "Zimbabwe may be in the same league as other dictatorships, but in a different division".<sup>204</sup>

These small adjustments in tone might have been related to a confidential pre-election poll conducted by an independent American company that indicated ZANU-PF had support from 30 per cent of the electorate and the MDC from 23 per cent, with 47 per cent undecided. Crisis Group researchers concluded that U.S. missions in Harare and Pretoria and USAID officials believed many undecideds were unwilling to express their true opinion to a pollster for fear of ZANU-PF but would likely vote for the opposition, an interpretation given some support by reports of high attendance at MDC rallies.<sup>205</sup> The optimistic view, if it indeed was held in Washington, that the election could provide a genuine expression of the electorate's will, received a dose of Zimbabwean reality on election day, however. Twenty-four hours later, on 1 April, Secretary Rice provided the judgment that, "Although the campaign and election day

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<sup>193</sup> "Portugal backs postponement of EU-Africa summit due to Mugabe row", *EU Business*, 28 January 2003.

<sup>194</sup> See, "Communiqué final, Réunion ministérielle Union européenne-Union africaine", Luxembourg, 11 April 2005. The UK, which takes over the EU presidency on 1 July 2005, had indicated it wished to organise such a summit provided it would not be dominated by the Zimbabwe question. "Top EU officials to mend bridges with African Union", *European Voice*, 7 April 2005.

<sup>195</sup> The European Commission Humanitarian Office (ECHO) reaffirmed its commitment to providing assistance to Zimbabwe's most vulnerable populations in its 2005 aid strategy.

<sup>196</sup> The UK Department for International Development (DFID) has budgeted more than £30 million (approximately \$55 million) for Zimbabwe in 2005.

<sup>197</sup> On such policy nuances, see Crisis Group Report, *In Search of a New Strategy*, op. cit., pp. 17-18; and Crisis Group Report, *Danger and Opportunity*, op. cit., p. 12.

<sup>198</sup> "Rice says Zimbabwe 'outpost of tyranny'", BBC News, 18 January 2005.

<sup>199</sup> "White House extends freeze on Mugabe's assets", Independent Online, 3 March 2005. The U.S. and the EU have imposed substantially similar targeted asset freezes and travel bans on leading ZANU-PF figures.

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<sup>200</sup> "Transcript of *Financial Times* Interview with President Thabo Mbeki", *Business Day* (SA), 22 February 2005.

<sup>201</sup> Crisis Group interviews with U.S. embassy officials, January-March 2005.

<sup>202</sup> "U.S. firm Mbeki must do more for free poll in Zimbabwe", *Business Day* (SA), 23 February 2005.

<sup>203</sup> "U.S. stresses the need for free polls in Harare", Independent Online, 5 March 2005.

<sup>204</sup> Crisis Group interview, February 2005.

<sup>205</sup> Crisis Group interview with USAID officials, Harare, March 2005, and discussions with U.S. officials, Pretoria, April 2005.

itself were generally peaceful, the election process was not free and fair. The electoral playing field was heavily tilted in the government's favour". She added, "The United States calls on the Government of Zimbabwe to recognise the legitimacy of the opposition and abandon policies designed to repress, crush and otherwise stifle expressions of differences in Zimbabwe".<sup>206</sup>

Two weeks before the vote, the U.S. ambassador to Zimbabwe, Christopher Dell, had said the Bush administration would recognise any winner of the March 31 poll, but with the proviso that the elections were free and fair. Nevertheless, more than a month on since Secretary Rice's judgment, there is no indication Washington is considering a fundamentally harder line. Indeed, some U.S. officials, like others in the West, appear to be considering the possibility that an evolving ZANU-PF may be the most likely political force to shape an eventual post-Mugabe Zimbabwe.<sup>207</sup> Meanwhile, the country's problems have slipped further down on the U.S. policy radar.

## G. THE COMMONWEALTH

The Commonwealth was not invited to observe the 31 March elections. The assessment of its monitors that the March 2002 presidential elections had been seriously flawed led directly to Zimbabwe's suspension from the body and its eventual withdrawal in protest. President Mbeki, like other SADC and African leaders, expressed strong disagreement with that suspension, and he raised the country's possible re-admission when he met with Secretary General Don McKinnon in late March 2005. McKinnon said Zimbabwe would not be discussed at the next Commonwealth Heads of Government Meeting (CHOGM) in November 2005 but expressed hope it would regain its membership some day.<sup>208</sup>

The Commonwealth has mandated the CHOGM chair, Nigeria's President Olusegun Obasanjo, to "engage with the parties concerned to encourage continued progress towards national reconciliation and the return of Zimbabwe to the Commonwealth".<sup>209</sup> He has responsibility for assessing whether Zimbabwe has made enough progress on governance for its

membership to be revived.<sup>210</sup> Immediately after Zimbabwe withdrew, he said he would "leave no stone unturned to return Zimbabwe...";<sup>211</sup> and he expressed the hope in July 2004 that this would happen within the next year.<sup>212</sup> Senior Commonwealth officials interviewed by Crisis Group profess a similar general wish for eventual reconciliation but anticipate no movement while Mugabe remains in office.<sup>213</sup> The Commonwealth secretariat emphasises there will be no progress on this front until Zimbabwe makes progress on restoring rule of law.<sup>214</sup> The ball, they are categorical in saying, is in Harare's court.

## H. THE G8

The UK, which assumed the presidency of the G8 group of major industrialised countries on 1 January 2005, has indicated that Africa will be a key theme of the annual summit, which takes place from 6 July to 8 July in Perthshire.<sup>215</sup> It would be appropriate use the occasion to send a clear message to Zimbabwe that neither major donors nor international financial organisations will provide funds unless there is demonstrable and sustained progress in re-instituting a regime based on the rule of law, good governance and respect for human rights.

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<sup>206</sup> "U.S.: Zim polls not free or fair", News24, 2 April 2005.

<sup>207</sup> Crisis Group interview, March 2005.

<sup>208</sup> "C'wealth not ready for Zim", News24, 22 March 2005.

<sup>209</sup> Address by Commonwealth Secretary General Don McKinnon to the Africa All-Party Parliamentary Group, London, 10 February 2004, available at <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=36550>.

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<sup>210</sup> Thabo Mbeki, "We will resist the upside-down view of Africa", "ANC Today", Vol. 3, No. 49, 12-18 December 2003.

<sup>211</sup> "Obasanjo will bring Zim back", News24, 15 December 2003.

<sup>212</sup> "AU boss hopes for Zim return", News24, 27 July 2004.

<sup>213</sup> Crisis Group meetings with Commonwealth officials, London, 21-22 April 2005.

<sup>214</sup> Crisis Group interview with a senior Commonwealth official, Commonwealth Secretariat, London, 21 April 2005.

<sup>215</sup> See G8 Gleneagles 2005 website available at <http://www.g8.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1078995902703>.

## VII. CONCLUSION: A TIME FOR TRANSITION

Robert Mugabe has been the father of Zimbabwe in many respects but he is now the single greatest impediment to pulling the country out of its precipitous social, economic and political decline. The frail hope that the March parliamentary elections could return the country to democratic rule proved illusory, as have the now largely discredited efforts of regional power brokers, especially South Africa, to facilitate a compromise between ruling party and opposition. It is time for all concerned -- Mugabe himself, of course, but also his party, the MDC and the international community -- to begin planning for his departure at the earliest possible moment as in the country's best interest and perhaps its only realistic chance for anything like a fresh chance to solve its interlinked crises. It is particularly important for South Africa to undertake an urgent review of its unsuccessful policy to date and explore new options, including cooperation with the Commonwealth and the G8 to urge its neighbour back on the path to more moderate political and economic policies.

Even as ZANU-PF's leaders struggle to position themselves to take over Mugabe's offices, they need to understand that a change at the top alone will not spare them from international isolation. Over the last five years, Zimbabwe's economy has been systematically plundered, political violence has become commonplace, food has repeatedly been used as a blunt instrument of political persuasion, and fundamental political freedoms have been suspended. If senior ZANU-PF officials are unable or unwilling to get Mugabe to step aside, or refuse to engage in a sensible process to transition the country back to rule of law, the international community should tighten its sanctions regimes and more seriously look into the criminal activities of those senior figures. No international financial institution or bilateral donor should reengage with Zimbabwe until the policies and personnel of the government have undergone a major overhaul.

In his acceptance speech on 12 April 2005, newly elected Speaker of Parliament John Nkomo asked his fellow legislators to be guided by national interests rather than partisan politics. Yet, it has been ZANU-PF that has done grievous harm to those national interests, and its senior leaders who in many instances have engaged in a pattern of personal enrichment and political abuse. Recent history gives reason for the sceptical reaction of a Zimbabwean political analyst, "The only hand of peace that Mugabe and his cronies extend after elections is through a presidential pardon extended to

perpetrators of violence against opposition activists. So Nkomo's speech was stage managed".

On 7 April 2005, Nathan Shamuyarira, ZANU-PF's secretary for information and publicity and one of his closest advisers, reiterated in an interview that Mugabe will not seek re-election to the presidency in 2008.<sup>216</sup> Within ruling party circles, an outright parliamentary victory was considered the prerequisite for his retirement. There is a view that with its new ability to amend the constitution without regard for opposition votes, ZANU-PF will create a more ceremonial presidency that Mugabe might continue to occupy and an executive prime minister position where the real power of government would reside. John Nkomo and especially Joyce Mujuru are the names one now hears the most in connection with such a job.<sup>217</sup> In the words of a senior ZANU-PF politician, "Mugabe wants to go out on his own terms, and we now have the mandate to slowly put the retirement plan in motion because of our strength in parliament".<sup>218</sup>

The overwhelming expectation within the ruling party is that it will use its new two-thirds parliamentary majority primarily to move the octogenarian Mugabe to a protected and honourable retirement while it seeks to restore the economy and reengage internationally.<sup>219</sup> As plausible as this sounds, ZANU-PF's frequent disdain for the rule of law suggests caution. Moreover, the ferocity of the December 2004 party congress demonstrated that power struggles can easily upset plans, and there is little sign that ZANU-PF has yet come to terms with how government should function in a modern democracy. All this makes it imperative for the international community to keep applying pressure, as Zimbabwe plans for what is hoped will be an orderly transition.

**Pretoria/Brussels, 7 June 2005**

<sup>216</sup> "Mugabe to retire", *Zimbabwe Independent*, 8 April 2005.

<sup>217</sup> Crisis Group interview with senior ZANU-PF leaders, Harare, 31 March 2005.

<sup>218</sup> Ibid.

<sup>219</sup> Crisis Group interview with senior ZANU-PF politicians, Harare, 31 March 2005. Mugabe himself announced in February 2005 a secondary use of the new majority, that within four to six months, ZANU-PF would change the constitution to re-introduce a bicameral legislature with a Senate. The apparent purpose would be to defuse tensions within the party by offering the prospect of positions within the new chamber to dissatisfied members who had lost out in the recent internal struggles. "ZANU-PF will not Readmit Deserters", *The Herald Online*, 24 February 2005.

## APPENDIX A

### MAP OF ZIMBABWE



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with over 110 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by Lord Patten of Barnes, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates sixteen field offices (in Amman, Belgrade, Bishkek, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Port-au-Prince, Pretoria, Pristina, Quito, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda

and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Agence Intergouvernementale de la francophonie, Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Republic of China (Taiwan) Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., Hunt Alternatives Fund, John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, David and Lucile Packard Foundation, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, United States Institute of Peace and Fundação Oriente.

**June 2005**

## APPENDIX C

### CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2002

#### CENTRAL AFRICA

*Storm Clouds over Sun City: The Urgent Need to Recast the Congolese Peace Process*, Africa Report N°44, 14 May 2002 (also available in French)

*Burundi: After Six Months of Transition: Continuing the War or Winning the Peace*, Africa Report N°46, 24 May 2002 (also available in French)

*The International Criminal Tribunal for Rwanda: The Countdown*, Africa Report N°50, 1 August 2002 (only available in French)

*The Burundi Rebellion and the Ceasefire Negotiations*, Africa Briefing N°9, 6 August 2002

*Rwanda at the End of the Transition: A Necessary Political Liberalisation*, Africa Report N°53, 13 November 2002 (also available in French)

*The Kivus: The Forgotten Crucible of the Congo Conflict*, Africa Report N°56, 24 January 2003

*A Framework for Responsible Aid to Burundi*, Africa Report N°57, 21 February 2003

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